

Victoria's death has left a void in the community and in the lives of the people closest to her. I am honored to have known her and to have witnessed the positive change she pioneered.

To the Baca family and all those who knew, loved, and respected her, I offer my deepest condolences.

BIDEN PILES UP RED TAPE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, it appears that the Biden administration is going to do everything it possibly can to destroy our economy and hurt working-class people.

Headline in today's Washington Times: "Biden piles up red tape after Trump's trims: Long arm of regulation reaches businesses for vague objectives."

"President Biden accelerated the regulatory state on his first day in office by ordering agencies to consider aspirational but vaguely defined goals and benefits when imposing new rules on businesses large and small.

"The order greenlighting regulations even when the benefits 'are difficult or impossible to quantify' sent shudders down the spines of CEOs. They fear business growth will be smothered in pursuit of vague objectives such as 'human dignity' and 'the interests of future generations.'"

"It is the most aggressive thing I have ever seen by an administration," said Doug Holtz-Eakin. "It is one thing to put out a bunch of regulations, but this changes the way regulation is done. It allows you to jam through any regulation you want regardless of the impact [on] the private sector."

We know we are having historic increased inflation and historic debt levels and now regulations. It is a disaster coming.

PROVIDING URGENT MATERNAL PROTECTIONS FOR NURSING MOTHERS ACT

Mr. SCOTT of Virginia. Madam Speaker, pursuant to House Resolution 716, I call up the bill (H.R. 3110) to amend the Fair Labor Standards Act of 1938 to expand access to breastfeeding accommodations in the workplace, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 716, an amendment in the nature of a substitute recommended by the Committee on Education and Labor, printed in the bill, modified by the amendment printed in part C of House Report 117-137, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Providing Urgent Maternal Protections for Nursing Mothers Act" or the "PUMP for Nursing Mothers Act".

SEC. 2. BREASTFEEDING ACCOMMODATIONS IN THE WORKPLACE.

(a) EXPANDING EMPLOYEE ACCESS TO BREAK TIME AND PLACE.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 7, by striking subsection (r);

(2) in section 15(a)—

(A) by striking the period at the end of paragraph (5) and inserting "; and"; and

(B) by adding at the end the following:

"(6) to violate any of the provisions of section 18D.";

(3) in section 16(b) by striking "7(r) or 15(a)(3)" each place the term appears and inserting "15(a)(3) or 18D"; and

(4) by inserting after section 18C the following:

"SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE WORKPLACE.

"(a) An employer shall provide—

"(1) a reasonable break time for an employee to express breast milk each time such employee has need to express breast milk for the 2-year period beginning on the date on which the circumstances related to such need arise; and

"(2) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

"(b)(1) Subject to paragraph (2), an employer shall not be required to compensate an employee receiving break time under subsection (a)(1) for any time spent during the workday for such purpose unless otherwise required by Federal or State law or municipal ordinance.

"(2) Break time provided under subsection (a)(1) shall be considered hours worked if the employee is not completely relieved from duty during the entirety of such break.

"(c) An employer that employs fewer than 50 employees shall not be subject to the requirements of this section, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

"(d) No provision of this section or of any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance that provides greater protections to employees than the protections provided for under this section.

"(e)(1) Subject to paragraph (2), before an employee commences an action to recover liability under section 16(b) for a violation of paragraph (a)(2), the employee shall inform the employer of the failure to provide adequate place and provide the employer with 10 calendar days after such notice is provided to come into compliance with subsection (a)(2) with respect to such employee.

"(2) Paragraph (1) shall not apply in the case that—

"(A) the employee has been discharged because the employee has made a request for break time or place under this section or has opposed any employer conduct related to this section; or

"(B) the employer has indicated that the employer has no intention of complying with subsection (a)(2).

"(f) The circumstances described in subsection (a)(1) arise if an employee—

"(1) begins providing breast milk for a nursing child; or

"(2) gives birth, including to—

"(A) a stillborn child; or

"(B) a child over whom the employee does not retain legal custody.

"(g)(1) This action shall apply to an air carrier, as defined in section 40102 of title 49, United States Code, subject to the following requirements:

"(A) In providing a break described in subsection (a)(1) to a crewmember, an employer shall not be required to—

"(i) completely relieve such crewmember from duty during break time taken during flight time; or

"(ii) provide such a break during critical phases of flight.

"(B) Nothing in this subsection shall require an employer to incur significant expense, when considered in relation to the size, financial resources, nature, or structure of the employer's business, to retrofit an aircraft.

(2) In this subsection—

(A) the terms 'flight time' and 'crewmember' have the meaning given such terms in section 1.1 of title 14, Code of Federal Regulations; and

(B) the term 'critical phases of flight' has the meaning given the term in 121.542 of title 14, Code of Federal Regulations."

(b) CLARIFYING REMEDIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended by striking "15(a)(3)" each place the term appears and inserting "7(r) or 15(a)(3)".

(c) GUIDANCE.—Not later than 60 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance with respect to employer compliance with section 18D of the Fair Labor Standards Act of 1938, as amended by this Act, which shall be similar, with respect to specific examples of compliance, to the guidance relating to "Supporting Nursing Moms at Work" published on the website of the Office on Women's Health of the Department of Health and Human Services as of such date of enactment.

(d) CONFORMING COVERAGE OF CERTAIN OTHER EMPLOYEES.—Section 203(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(a)(1)) is amended—

(1) by striking "and section 12(c)" and inserting "section 12(c), and section 18D"; and

(2) by inserting "18D" after "212(c)".

SEC. 3. EFFECTIVE DATE.

(a) EXPANDING ACCESS.—Except as provided in subsection (c), the amendments made under sections 2(a) and 2(d) shall take effect on the date that is 120 days after the date of enactment of this Act.

(b) REMEDIES AND CLARIFICATION.—The amendments made under section 2(b) shall take effect on the date of enactment of this Act.

(c) APPLICATION OF LAW.—Section 18D of the Fair Labor Standards Act of 1938 (as added by section 2) shall not apply to crewmembers of an air carrier, as defined in section 40102 of title 49, United States Code, until the date that is 1 year after the date of enactment of this Act.

SEC. 4. REGULATIONS REQUIRED.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Labor, shall propose regulations, as appropriate, to—

(1) identify appropriate means for air carriers, as defined in section 40102 of title 49, United States Code, to comply with subsection (b)(1) of section 18D of the Fair Labor Standards Act of 1938 during flight time; and

(2) update title 14, Code of Federal Regulations, to ensure that expressing breast milk is considered a physiological need.

The SPEAKER pro tempore. The bill, as amended, is debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their respective designees.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3110, the PUMP for Nursing Mothers Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House has an opportunity to pass H.R. 3110, the Providing Urgent Maternal Protections for Nursing Mothers Act, or the PUMP for Nursing Mothers Act, a bipartisan bill that would strengthen workplace protections for nursing mothers.

Nursing mothers should have a clear right to break time and a clean, private space to pump breast milk at work. As we have heard from health experts and worker advocates across the country, these basic accommodations ensure that nursing mothers can balance their work, their health, and the health of their babies.

Regrettably, many nursing mothers still do not have these protections. Under current law, millions of workers—including farmworkers, transportation workers, and teachers—are currently excluded from Federal protections for nursing employees.

The nursing mothers who are covered by existing law have limited recourse when their rights are violated.

To close these gaps, the PUMP for Nursing Mothers Act expands existing protections for nursing mothers for nearly 9 million employees who are currently left out. It provides nursing workers with access to meaningful remedies when employers fail to provide appropriate time and pumping space.

Importantly, this bill includes an amendment to clarify that congressional employees are covered by these protections and to address safety concerns by including airline crew members break time to pump during a flight.

No working American should be forced to choose between going to work and staying healthy, so we must take this urgent step to support nursing workers and strengthen our economy.

Madam Speaker, I include in the RECORD a Statement of Administration Policy in support of H.R. 3110.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3110—PUMP FOR NURSING MOTHERS ACT—
REP. MALONEY, D-NY, AND 8 COSPONSORS

The Administration strongly supports House passage of H.R. 3110, the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act. No new mother should face unfair treatment in the workplace because their employer refuses to provide them with reasonable break time and private, clean space needed to adequately express breast milk while at work, forcing them to choose between their health and the health of her child, and earning a paycheck. Yet millions

of new working mothers, disproportionately working mothers of color, face this challenge every day.

Congress recognized the importance of ensuring that workers are able to have the time and space they need to express breast milk by passing section 4207 of the Patient Protection and Affordable Care Act, also known as the 2010 Break Time for Nursing Mothers Act. The PUMP for Nursing Mothers Act would ensure that millions of working mothers previously excluded from the 2010 Break Time law are protected. By closing this gap, the PUMP for Nursing Mothers Act will ensure millions of nursing mothers have a clear right to pump at work. Without these protections, nursing mothers face serious health consequences, including risk of painful illness and infection, diminished milk supply, or inability to continue breastfeeding.

H.R. 3110 is a bipartisan bill that would also require employers to pay an hourly employee for any time spent pumping if the employee is also working. The legislation would ensure that nursing mothers have access to remedies available for other violations of the Fair Labor Standards Act. Finally, the PUMP Act also gives employers flexibility to identify solutions that work for their specific business environment. For example, the bill requires employees to inform their employers about inadequate space to express breast milk 10 days before filing suit for violating the requirement.

The Administration encourages the House to pass this bipartisan, commonsense legislation and looks forward to working with the Congress to fill the gaps in the law so that all new mothers who choose to breastfeed are guaranteed the workplace protections they deserve.

Mr. SCOTT of Virginia. Madam Speaker, I urge support of the legislation and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in opposition to H.R. 3110.

This act puts overly burdensome, one-size-fits-all requirements on businesses.

While I believe empowering women in the workplace is important, we must not saddle businesses with rigid policies that will open them up to legal action. We, instead, must support flexible policies that allow women to thrive in the workplace.

This bill's flawed scheme and expansive mandate do more harm than good and will further bog down businesses that are already struggling to recover from the pandemic. During this difficult time, the last thing small businesses need is more sweeping mandates.

More than 2 million women left the labor force in 2020. Now more than ever, we need to advocate for flexible workplace policies that improve conditions for, and empower, working mothers.

I fully support women who wish to enter and return to the workforce, and I understand the challenges that can come with this, especially for nursing mothers. Yet, I don't believe one-size-fits-all mandates are beneficial, not for women and not for employers.

Workplaces are as varied as the people they employ. Putting every work-

place under the same standard, despite a job creator's needs or ability to meet that standard, will ultimately be bad for the American worker.

Airlines are just one example of an industry that will be negatively impacted if this bill is signed into law. Under this bill's rigid requirements, airlines may have to rethink plane designs or modify aircraft to provide a private space, other than a bathroom, for nursing mothers to pump, as required under the bill.

The rigid break requirements in the bill are also inappropriate for airlines because flight crews have varying responsibilities in preparation for and throughout flights, which ensure the safety and security of passengers.

Exposing airlines and other businesses to such inflexible requirements will hurt struggling businesses.

Further, not all nursing mothers have the same needs. Pretending that they do might be convenient, but it also demonstrates ignorance about the diverse circumstances that mothers are in.

I wholeheartedly believe that it is possible to provide women with a healthy environment in which to work and simultaneously to allow businesses flexibility in providing accommodations.

When I first entered the workforce, nursing-accommodation requirements for women in the workplace were not even on the horizon. Countless workplaces now provide such accommodations, and rightly so. Current law provides accommodations for hourly workers.

Creating a healthy place for women to thrive is important to us all, but there is a right way to go about this and a wrong way. H.R. 3110 is the wrong way.

Most employers have their employees' best interests at heart, but H.R. 3110 treats our job creators as if they are out to harm the very women they depend on to keep their businesses running.

Again, this is the wrong way to go about empowering women in the workplace.

This bill's excessive penalties, expansive mandate, and lack of clarity will create a perfect storm for frivolous lawsuits. Unfounded lawsuits cost businesses billions every year in the United States. We should do all we can to prevent opening businesses up to harmful legal action.

I would like to remind my colleagues that Representative MILLER-MEEKS submitted her bill, the Supporting Working Mothers Act, to the Rules Committee as an amendment to provide a commonsense alternative to the PUMP Act.

That is a sensible amendment that meets the actual needs of nursing mothers without forcing overly burdensome regulations on our job creators.

That amendment, unlike the PUMP Act, expands access to nursing accommodations in the workplace without

relying on punitive mandates that expose businessowners to costly litigation.

The Supporting Working Mothers Act adds nursing-accommodation coverage for white collar executive, administrative, or professional employees, ensuring that over 80 percent of currently exempt women are covered.

That amendment also includes a fair and workable process to ensure accommodations are provided for nursing mothers by encouraging collaboration between workers and employers to identify and make improvements when accommodations are insufficient.

Representative MILLER-MEEKS' commonsense amendment serves nursing mothers in the workforce without sacrificing the well-being of our job creators. This is the right way to empower women.

I am extremely disappointed that the Democrat majority refused to make the amendment in order. Democrats chose to stifle debate on this commonsense approach to nursing accommodations in favor of a flawed mandate.

Because the bill is impractical and overly punitive, I urge my colleagues to vote "no" on H.R. 3110.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), chair of the Oversight and Reform Committee and the lead Democratic sponsor of the bill.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I thank the gentleman for yielding and for his incredible leadership in this body.

I rise today in strong support of H.R. 3110, the PUMP for Nursing Mothers Act, a bipartisan bill I authored with Representative HERRERA BEUTLER. Our bill has also been introduced in the Senate by Senators MERKLEY and MURKOWSKI.

When I first came to Congress, working mothers would come to me, often in tears, and advocate for a place to safely pump breast milk. Often, they were fired, ridiculed, forbidden, or forced to pump milk in bathrooms.

Since those years, I have worked for on-site lactation rooms, here in government and really everywhere in our country.

In 1998, I passed a provision allowing State WIC agencies to purchase breast pumps for new mothers, making it easier for low-income moms to choose breastfeeding.

In 1999, Congress passed my bill to guarantee the right to breastfeed on Federal property.

Most recently, Senator MERKLEY and I passed the Break Time for Nursing Mothers as part of the Affordable Care Act. This act provides employees with critical protections to provide break time for nursing mothers and a private place to pump milk.

The PUMP for Nursing Mothers Act we are considering today builds on the Break Time Act by protecting the

nearly 9 million employees who were not originally included in these protections. Those covered by the PUMP for Nursing Mothers Act now include teachers, nurses, farmworkers, and software engineers, to name a few.

The PUMP for Nursing Mothers Act would also ensure that nursing mothers have remedies if their employers fire them or violate these breastfeeding protections. In addition, if an employee is fired for taking a break, the PUMP Act ensures that workers can seek reinstatement.

It also extends breastfeeding protections for 2 years, in line with recommendations from the World Health Organization.

Over 150 organizations have endorsed this important legislation. I include in the RECORD letters of support from some of those organizations, including the Center for WorkLife Law, and MomsRising, to name a few.

WRITTEN STATEMENT OF THE CENTER FOR WORKLIFE LAW BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES—SEPTEMBER 24, 2021

DEAR SPEAKER PELOSI, MINORITY LEADER MCCARTHY, MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The Center for WorkLife Law submits this letter to the U.S. House of Representatives in full support of the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110).

The Center for WorkLife Law is a research and advocacy organization that seeks to advance gender, racial, and class equity in employment and education. We collaborate with employees, employers, attorneys, and government officials to identify practical and legal solutions to work-family issues.

WorkLife Law's 2019 report *Exposed: Discrimination Against Breastfeeding Workers* found that shortcomings of the existing Break Time for Nursing Mothers law have caused lactating employees to face significant obstacles at work. Even with the current law's protections, breastfeeding employees leaking milk have been denied permission to take pumping breaks; they have been fired just for asking; and refused privacy, forcing them to pump milk with their breasts exposed to coworkers, clients, and the public in physically unsafe conditions. Employees who do not receive the break time and private space they need can face serious health consequences, including illness and painful infections, diminished milk supply, and weaning earlier than doctors recommend. Many employees also suffer economic losses when they are fired or forced to resign following a request for lactation accommodations.

The PUMP Act would correct key shortcomings of existing law that undermine the economic security and health of women and their families.

CLOSING THE COVERAGE GAP THAT EXCLUDES MILLIONS OF WORKERS

Nearly 9 million women of childbearing age are currently excluded from the protections of the Break Time for Nursing Mothers Law, meaning they have no clear federal right to receive break time and private space to pump milk during the workday. This exclusion was unintentional at the time the law was enacted. The resulting coverage gap is considerable and impacts employees in a wide range of occupations, including many of those working in the top two pink-collar occupations: nursing and teaching. The PUMP Act would correct this senseless exclusion to

bring all workers whose employers are covered by the FLSA under the law's protection.

PROVIDING APPROPRIATE REMEDIES TO ENCOURAGE COMPLIANCE

Even when clear violations occur, the Break Time for Nursing Mothers provision cannot be counted on to deliver appropriate remedies in a court of law. Because employers cannot be held accountable for intentional legal violations, noncompliance has been widespread. As one judge expressed in the case of an EMT who was fired simply for asking that she be given break time and space: "While the Court is sympathetic to Plaintiff's argument that this renders [the Nursing Mothers law] ineffective, there is no support from the case law or DOL [Department of Labor]" to provide a remedy. Another federal judge observed: "An employer faced with a request to allow an employee to take breaks to breastfeed may simply fire the employee rather than attempt to accommodate the request for breaks. And indeed, the Center for WorkLife Law has heard from too many workers whose employers have done exactly that."

The PUMP Act would correct this absurdity and encourage employers to follow the law by making remedies that are already available in other employment law contexts equally available to breastfeeding workers.

However, the PUMP Act is not expected to lead to a significant increase in lawsuits. A recent analysis by the Center for WorkLife Law found that while enforceable laws increase breastfeeding rates, they do not cause a meaningful increase in litigation rates. The study reviewed all cases filed in each state with enforceable lactation break time and space laws (similar to the PUMP Act) through 2020 and found:

Litigation rates for violations of the state laws were extremely low. Over the combined forty-seven years that the four jurisdictions' break time and space laws have been in effect, there were only six (6) cases total.

The annual likelihood a private employer will be sued under a break time and space law is essentially zero (0.0002 percent). A business owner is over 25 times more likely to be struck by lightning in their lifetime.

Notably, the state laws WorkLife Law studied do not include the additional employer protection found in the PUMP Act that gives businesses 10 days to correct space violations before any lawsuit can be filed, a provision that will further decrease the number of lawsuits that would be filed should the PUMP Act pass.

The PUMP Act is a balanced approach that meets the needs of breastfeeding employees while also serving employers who make reasonable attempts to follow the law. When employers have clear standards to meet, and appropriate consequences if they don't, employers have shown that they are able to provide the break time and space that working mothers need. Complying with break time and space requirements is simple, and creative solutions exist in all industries. As described by the U.S. Department of Health and Human Services, employers that support breastfeeding with affordable solutions realize cost savings from increased loyalty and retention, reduced sick time, and decreased health care and insurance costs.

Our organization urges all members of Congress to vote in support because the PUMP for Nursing Mothers Act would ensure that all breastfeeding women have the full protection of the law and ability to meet their basic needs while away from their nursing babies during the workday. It is a simple solution that promotes maternal and child health, as well as the economic security of women and families.

Thank you for your consideration.
Sincerely,

LIZ MORRIS,
Center for WorkLife Law,
UC Hastings College of the Law.

WRITTEN STATEMENT OF KRISTIN ROWE-FINKBEINER CO-FOUNDER & EXECUTIVE DIRECTOR, MOMS RISING BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES—SEPTEMBER 24, 2021

DEAR SPEAKER PELOSI, MINORITY LEADER MCCARTHY, MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: MomsRising submits this letter to the U.S. House of Representatives in full support of the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110).

MomsRising is a national online and on-the-ground grassroots organization with more than a million members nationwide. We work on a broad range of issues and policies to achieve economic security for all moms, women, and families in the United States.

While nearly four out of five U.S. mothers start out breastfeeding, less than half are still breastfeeding at six months postpartum. One of the main causes for the drop-off in breastfeeding rates is the lack of break time and a private place to pump in the workplace. MomsRising members around the country have shared their stories and pictures about needing better places to pump breastmilk.

Currently, federal law requires employers for most hourly wage-earning and some salaried employees (nonexempt workers) reasonable break time and a private, non-bathroom location to express breast milk for one year after the child's birth. This is a great first step, but it leaves millions of workers without any protections at all. We must close the gap in the law and expand protections for all breastfeeding mothers who work outside of the home. The PUMP Act will close gaps and include meaningful enforcement.

Breastfeeding isn't just good for moms and babies. The fact is that breastfeeding is good for the physical and economic health of our nation. Recent studies have shown if mothers could meet current medical recommendations for breastfeeding it would save the US economy nearly \$13 billion per year in paediatric health costs and premature deaths.

With three-quarters of moms being the primary or co-breadwinner these days, we must close the gap in existing law and expand protections for all breastfeeding mothers who work outside of the home. Sadly returning to work is too often a significant barrier to breastfeeding, but we can do better.

Please support all breastfeeding and working moms and support the PUMP Act.

Thank you for your consideration.

KRISTIN ROWE-FINKBEINER,
Co-Founder & Executive Director,
MomsRising.

Mrs. CAROLYN B. MALONEY of New York. As these organizations have demonstrated, without these protections, nursing mothers face serious health consequences, including the risk of painful illness and the inability to continue to breastfeed.

Studies have shown the health benefits for breastfed infants. It is really important and can prevent other diseases.

These basic protections would ensure that working moms who want to breastfeed can continue to do so and prevent nursing mothers from being singled out, ridiculed, or fired.

This bill is an important step for work-family balance. We say we support families. Today is a vote for families, work-family balance, and mothers and infants.

Madam Speaker, I urge a strong "yes" bipartisan vote.

□ 0930

Ms. FOXX. Madam Speaker, I yield 4 minutes to the gentlewoman from Iowa (Mrs. MILLER-MEEKS).

Mrs. MILLER-MEEKS. Madam Speaker, I thank Dr. Foxx for yielding me time to speak on this important issue.

As a mother and a physician, I understand the tremendous value that nursing an infant brings both to the mother and the child.

As the director of the Iowa Department of Public Health, I attended conferences and spoke on the need to encourage mothers to consider breastfeeding and the benefits of breastfeeding, be they nutritional, immunological, or the tremendous bond that occurs through breastfeeding.

It is also why, despite being a working mother who was doing a general surgery internship and ophthalmology residency, I breast-fed both of my children. Because I was a working mother, that included expressing breast milk by pumping.

I understand and I am supportive of the collaboration between employers and nursing mothers to have a private place to do so at their place of employment. I recognize that H.R. 3110 is trying to address this issue and provide accommodations for nursing mothers, which I wholeheartedly support, however, I feel the bill needs improvement.

As it stands, H.R. 3110 puts a one-size-fits-all treatment of nursing accommodations for different businesses and industries. The bill also puts excessive penalties for minor or technical violations of the nursing-accommodation requirements in the Fair Labor Standards Act.

These unreasonable penalties, combined with compliance challenges posed by the mandate, will lead to costly and protracted lawsuits because of their adversarial nature.

The result will be delayed accommodations for working mothers. Rather than a collaborative arrangement between an employer and a nursing mother employee, this bill is punitive in nature.

To address laws and H.R. 3110 and build on current law protections for nursing mothers, I submitted my bill, H.R. 4297, the Supporting Working Mothers Act, to the Rules Committee as an amendment.

My bill is based on legislation introduced in a previous Congress by the sponsor of the bill we are debating today. Unfortunately, the majority refused to allow my amendment to even be debated on the floor.

My amendment represents a workable, feasible, and reasonable approach

to the Fair Labor Standards Act nursing-accommodation requirements.

First, my amendment would have modified current law by providing coverage to white collar executive, administrative, and professional employees, while also maintaining current law coverage of hourly employees. My bill also preserved the 50-employee undue hardship exemption threshold as a safeguard for small businesses.

These provisions would ensure coverage for over 80 percent of the women who are not currently covered by the Fair Labor Standards Act nursing-accommodation requirement.

The bill we are debating today, H.R. 3110, significantly increases the penalties for employer violations that are required for breastfeeding accommodations, regardless of attempts at compliance.

These penalties are disproportionate to the technical and unintentional Fair Labor Standards Act violations which could occur under this bill.

My amendment would have preserved the authority of the Secretary of Labor to provide injunctive relief to address shortcomings and accommodations and assessable monetary penalties for repeat violations.

However—and this is critical—my amendment also includes a provision establishing a collaborative process for employees and employers to create and improve accommodations in a timely fashion without relying on time consuming and expensive lawsuits.

Because workplaces are not one size fits all, it is critical that legislation on nursing accommodations provide clear requirements that are adaptable to many kinds of workplaces, so that employers understand their obligations and are able to comply.

Again, given my strong support of breastfeeding, pumping, and storing of breast milk, I am very disappointed that my amendment was not ruled in order by the majority and that Congress did not take this opportunity to address the flaws in H.R. 3110.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentlewoman from Washington State (Ms. HERRERA BEUTLER), the co-chair of the Maternity Care Caucus and the lead Republican sponsor on the bill.

Ms. HERRERA BEUTLER. Madam Speaker, I rise today in support of our bipartisan bill, the PUMP for Nursing Mothers Act.

Honestly, the whole goal of this legislation is to protect a nursing mother's ability to provide for her infant by pumping at work.

And let me be clear, this is a business-friendly bill. This is current law. For those who are thinking we are shaking the Earth and doing something brand-new, it actually is current law. There were problems with the way the current law was written; it was actually put in the wrong place in code, and we are fixing that.

So the way it is currently, you could be a mom who gets into working and

you have worked your way up into a career where you are salaried and you make a decent amount of money, but you were excluded from this legislation. You didn't have the right to expect this, even though other workers did.

We are simply making some of those changes to make sure that folks who were not eligible for overtime, like that working mom, would be covered under current law.

This bill gives businesses clarity and predictability and allows small businesses to claim undue hardship exemptions in recognition of the unique challenges that they face.

Making sure our economy works is a huge priority to me, but we have to also recognize that working moms make up a significant portion—and should—of the workforce, and it is going to grow.

I thank my colleagues for improving this bill to reflect its original intent with regard to businesses, namely, differentiating between large corporations and mom-and-pop operations.

As a mom of three young kids myself, I understand finding the balance of raising kids, going to work, and just simply finding a place to pump while working.

My first child was a 28-week premie. It was imperative for her to have breast milk; we were told this by her doctors. She could not handle formula, and they said it is imperative that you do what you can to breastfeed her. And I joke I am going to write a book called, *Oh, the places I have pumped*. I have pumped in trains, on planes, in automobiles, in some poor low-ranking officer's office at the Pentagon, at a kibbutz in Israel on a codel; I mean, everywhere. And I can tell you, there are places that are clean and helpful, and it doesn't have to be like the Taj Mahal; you just need something that is not crammed in a public toilet where people are flushing over you.

So on a really serious note, this is a critical piece of legislation that is going to empower women in the workforce to continue to provide for their families.

Imagine a single mother not having that choice, she has to work, and maybe she wants to provide breast milk for her child or maybe she has to in a circumstance like mine. Making sure that mothers of infants and toddlers can continue to do this in the workforce and continue to join the workforce is absolutely vital.

With women making up over half of our Nation's workforce, it is crucial that moms aren't forced to choose between going to their job or breastfeeding their child.

With the U.S. Chamber of Commerce's endorsement of this legislation, this bill seeks to help, not hinder, an employer's ability to provide a safe space for moms to pump.

I am proud to help lead this bipartisan legislation with my colleague, Congresswoman MALONEY, so moms in

southwest Washington and across this country can feel secure.

The SPEAKER pro tempore (Ms. ROYBAL-ALLARD). The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Madam Speaker, I yield an additional 1 minute to the gentlewoman from Washington.

Ms. HERRERA BEUTLER. Madam Speaker, I include in the RECORD letters of support from the United States Chamber of Commerce and the National Retail Federation.

CHAMBER OF COMMERCE
OF THE

UNITED STATES OF AMERICA,
Washington, DC, September 28, 2021.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVE: The U.S. Chamber of Commerce strongly supports H.R. 3110, the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act, as reported from the Education and Labor Committee and as anticipated to be improved via manager's amendment. We hope this legislation will be further refined as the legislative process continues to address the unique issues related to the air travel sector.

This legislation would update the Break Time for Nursing Mothers Act, which became law in 2010. This law amended the Fair Labor Standards Act (FLSA) to require employers with more than 50 employees to provide a space for mothers to either nurse or, more likely, to express breast milk. It also requires employers to provide reasonable breaks for workers to nurse. Because the legislation amended the FLSA's overtime provision, it did not cover workers exempt from overtime. It also lacks an enforcement mechanism.

The PUMP Act would expand coverage to those workers currently exempt and would provide workers with a remedy if employers fail to provide accommodation or reasonable breaks. The bill as passed by the Education and Labor Committee and the manager's amendment would improve upon the introduced version of H.R. 3110 in several key areas:

Employers would be allowed 10 days to improve space allocated for nursing mothers before employees could proceed with seeking relief from the courts. This provision would assure that more employees can get the accommodations they need in a timely manner rather than triggering a drawn out, costly, and uncertain litigation process.

Department of Labor would be required to issue guidance that is consistent with the existing information from the Office on Women's Health of the Department of Health and Human Services' website in order to assist employers with compliance.

The number of employees necessary for employers to be eligible for the hardship exemption would be made consistent with other provisions of law.

This legislation should be improved to provide a reasonable exemption for the air travel sector. The limitations on space on airplanes would make compliance with this legislation impractical and in some cases impossible. We hope this issue is addressed as the bill makes its way through the legislative process.

The PUMP Act is a win-win for nursing mothers and the companies that employ them. Employers would get clarity and a way to avoid litigation, and nursing mothers would be able to remain in the workforce. The bill as reported by the Education and Labor Committee and augmented by the manager's amendment is the product of collaborative negotiations between employers

and advocates for this bill. The Chamber is pleased to strongly support this legislation.

Sincerely,

NEIL L. BRADLEY.

NATIONAL RETAIL FEDERATION,
Washington, DC, October 12, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: On behalf of the National Retail Federation, I write to express our support for and urge the passage of H.R. 3110, the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act.

NRF, the world's largest retail trade association, passionately advocates for the people, brands, policies and ideas that help retail thrive. From its headquarters in Washington, D.C., NRF empowers the industry that powers the economy. Retail is the nation's largest private-sector employer, contributing \$3.9 trillion to annual GDP and supporting one in four U.S. jobs—52 million working Americans. For over a century, NRF has been a voice for every retailer and every retail job, educating, inspiring and communicating the powerful impact retail has on local communities and global economies.

For over a decade, federal law has required employers to provide nursing mothers with reasonable break times to express breast milk. Further, employers must designate a facility in which to do so, that is shielded from view and "free from intrusion from coworkers and the public." As enacted, only nursing mothers who are non-exempt from the Fair Labor Standards Act (FLSA) were covered by the new requirements. The PUMP Act would expand coverage to all nursing mothers. This legislation also includes important provisions that will ensure that employers are properly notified if it is alleged that they are not providing appropriate facilities for nursing, including a 10-calendar-day time period for employers to provide such facilities before any litigation can commence.

The PUMP Act is a sound piece of bipartisan legislation that will allow nursing mothers to maintain their vital role the American workplace.

Sincerely,

DAVID FRENCH,
Senior Vice President Government Relations.

Ms. HERRERA BEUTLER. Madam Speaker, I encourage my colleagues to vote "yes" on this bill.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Person Speaker, I thank the distinguished ranking member from North Carolina for yielding.

Person Speaker, I rise in strong opposition to the PUMP for Nursing Mothers Act, or should I call it the pump for nursing persons act? I can't keep up with the rules of this House.

At a time, Person Speaker, when we have 10 million job openings, why does the Democrat majority have such contempt and disdain for struggling businesses, job creators, and employers?

With businesses already suffering from endless regulations and the resulting costs passed on to consumers, not to mention being saddled with the vaccine mandates, endless COVID restrictions, why are Democrats relentlessly consumed with making things worse?

The fact is, Democrats are economically illiterate. They don't understand that the government doesn't have any money, they can only take it from taxpayers, and businesses don't truly pay taxes or pay for regulations. They have two choices: Close or pass on those costs to consumers.

Democrats believe that employers are abusing and exploiting their workers, and Democrats are working every day to punish them, with the result being more lost jobs, greater supply shortages, and higher inflation as we see around our country today.

We all believe in an equal workplace for men and women, but I oppose legislation that falsely victimizes employees and is truly just another payout for trial lawyers, otherwise known as Democrat donors. They are seeking to exploit these excessive new penalties on businesses.

The fact is employers want happy and productive employees. They are working hard to attract and retain those workers. And they are already making these accommodations without the heavy hand of the Federal Government.

I encourage my colleagues across the aisle to visit a business or talk to an employer.

This regulation was written by trial lawyers, and I urge my colleagues to vote "no," and I will be doing the same.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2½ minutes to the gentlewoman from Illinois (Ms. UNDERWOOD), the co-chair of the Black Maternal Health Caucus.

Ms. UNDERWOOD. Madam Speaker, every mom returning to the workforce after childbirth should be provided the time and space that they need to safely and privately pump breast milk at work.

As a nurse, I understand how critical breastfeeding is to the health of both mom and baby.

Without sufficient workplace protections, breastfeeding employees are at risk of serious and painful health consequences and reduced milk supply. They can also face harassment, docked pay, and even job loss.

Yet each year, millions of workers, including teachers, nurses, farmworkers, and salaried employees are denied this basic protection due to an unintended loophole in current law.

I am grateful to Chairwoman MALONEY for her leadership, and I am proud to join her in leading the PUMP for Nursing Mothers Act to close the coverage gap and ensure all breastfeeding moms are protected and supported as they return to work.

This bill is bipartisan and has a broad coalition of support from public health, labor, and civil rights groups, as well as from the business community.

It is also urgently needed, providing commonsense, necessary protections for working moms, as well as more clarity and predictability for employers.

Returning to work after childbirth already poses many inherent challenges for moms and their families, and we must remove barriers for parents making the best choices for their families and themselves.

I urge my colleagues to join me and vote "yes" on this important legislation.

Madam Speaker, I include in the RECORD three letters in support of the PUMP for Nursing Mothers Act from the National Education Association, the National Partnership for Women and Families, and the March of Dimes.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, September 24, 2021.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The 3 million members of the National Education Association, who educate and support 50 million students across the nation, urge you to vote YES on the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act, H.R. 3110. Votes on this issue may be included in the NEA Report Card for the 117th Congress.

The 2010 Break Time law provided important protections that ensured employees would have reasonable break time and a private place to pump breast milk. However, the law excludes certain categories of employees, including educators; in fact, nearly one in four women of childbearing age is not covered by the Break Time law. The PUMP Act would:

Protect the nearly 9 million employees who are not now covered by the Break Time law;

Require employers to provide reasonable break time and a private, non-bathroom space for breastfeeding employees to pump during the workday;

Provide employers with clarity on when pumping time must be paid and when it may be unpaid, leaving in place existing law protecting many salaried workers and clarifying that any time spent pumping while the employee is working must be counted as hours worked; and

Ensure that nursing mothers have access to remedies that are available for other violations of the Fair Labor Standards Act.

Decades of scientific research tell us that breastfeeding helps put children on the path to life-long health and wellness. This strong foundation, in turn, can pave the way for their future success in school. The PUMP Act supports children's early development, while also recognizing that breastfeeding mothers are crucial breadwinners for their families. We urge you to vote YES on the PUMP Act.

Sincerely,

MARC EGAN.

Director of Government Relations,
National Education Association.

SEPTEMBER 24, 2021.

DEAR MEMBERS OF CONGRESS: The National Partnership for Women & Families is a non-profit, non-partisan advocacy organization committed to improving the lives of women and families by achieving equity for all women. Since our creation as the Women's Legal Defense Fund in 1971, we have fought for every significant advance for equal opportunity in the workplace, including the Pregnancy Discrimination Act of 1978 and the Family and Medical Leave Act of 1993 (FMLA). We write in strong support of H.R. 3110, Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act. This bipartisan legislation will support breastfeeding employees and their families, improving infant health and the economic security of women and families.

Once pregnant workers return to the workplace after giving birth, many will need the ability to pump breastmilk during the workday. While the Affordable Care Act requires employers to provide reasonable break time and a private, non-bathroom space for certain breastfeeding employees to pump, persistent coverage gaps exist. Roughly one in four women of childbearing age are not covered by current law. Since breastfeeding is associated with a host of improved health outcomes, expanding these protections to the 9 million workers currently excluded from the Break Time for Nursing Mothers law is essential to support mothers in the workplace. In addition to closing the coverage gap, the PUMP Act will also clarify for employers when pumping time must be paid and when it may be unpaid, and extend the remedies available for other violations of the Fair Labor Standards Act to nursing employees, ensuring that working parents' rights are protected.

The PUMP for Nursing Mothers Act is crucial because it will fill the gaps in the Break Time for Nursing Mothers law, allowing breastfeeding employees to remain in the workforce while keeping their families healthy. It is time to clarify and strengthen existing federal protections for breastfeeding employees by passing the PUMP for Nursing Mothers Act.

Sincerely,

DEBRA L. NESS,
President, National Partnership
for Women & Families.

MARCH OF DIMES,
September 24, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

Hon. CHUCK SCHUMER,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SPEAKER PELOSI, LEADER MCCARTHY, LEADER SCHUMER and LEADER MCCONNELL: On behalf of March of Dimes, the nonprofit organization leading the fight for the health of all moms and babies, we urge swift passage of the bi-partisan Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (S. 1658/H.R. 3110).

We began that fight more than 80 years ago as an organization dedicated to eradicating polio in the U.S., a goal that we achieved. We continue that fight today as we work to address some of the biggest threats to moms and babies, such as premature birth and maternal mortality, through research, education, programs and advocacy.

March of Dimes' ongoing work to improve maternal and infant health is more important than ever as our nation is in the midst of a dire maternal and infant health crisis. Rates of preterm birth are increasing, the U.S. is one of the most dangerous places to give birth in the developed world, and there are unacceptable disparities in birth outcomes between women and infants of color and their White peers. We also know, the health and well-being of mothers and infants are inextricably linked. By improving the health of, and conditions for, women before, during and between pregnancies, we can improve outcomes for both them and their infants. But we have many challenges before us.

One of those challenges is ensuring the ability for a mother to feed her infant after returning to the workplace. When a new mother returns to work after having a baby,

she will need continued support in the workplace to ensure she can continue to breastfeed her child if she chooses. Exclusive breastfeeding has a significant impact the health of the baby, as well as benefits for moms. However, returning to work can make continuing the breastfeeding relationship between mothers and their infants very difficult, especially if employers don't provide employees with adequate break time and an appropriate space to express breastmilk during the workday.

The Affordable Care Act (ACA) included provisions that required certain employers to provide break time and a place for most hourly wage-earning and some salaried employee to pump at work. The Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act would extend those supports to the 9 million employees that were excluded from the ACA's protections and provide for enforcement of this benefit. These nurses, teachers, retail workers, and managers across a number of industries deserve the same protections as other working mothers. March of Dimes proudly endorses the PUMP for Nursing Mothers Act (S. 1658/H.R. 3110).

Thank you again for the opportunity to express March of Dimes' strong support for this bipartisan legislation under consideration, the PUMP for Nursing Mothers Act (S. 1658/H.R. 3110). We urge the swift advancement of this important bill and look forward to its passage.

Sincerely,

STACEY BRAYBOY,
Senior Vice President, Public Policy
& Government Affairs.

Ms. UNDERWOOD. Madam Speaker, I thank these groups for their support of the bill and for their tireless efforts on behalf of working moms.

Ms. FOXX. Madam Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. MILLER).

Mrs. MILLER of Illinois. Madam Speaker, I rise today in opposition to H.R. 3110, the PUMP Act.

Americans want nursing mothers to have adequate provisions in the workplace. The fact is, they are already provided in the Fair Labor Standards Act.

The bill before us consists of unreasonable burdens on employers and penalties that will end up disincentivizing job creation.

At the same time that nursing mothers deserve protections, employers deserve allowances for flexibility in their workplace.

We are in the midst of an economic, supply chain, and employment crisis. We don't need to put more hurdles in the way of businesses and employment.

When I am in my district and I speak to business owners all around my district, the number one thing I hear is we cannot find enough workers. Why are we going to put more strain on them?

Mr. SCOTT of Virginia. Madam Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD), the co-chair of the Maternity Care Caucus.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise in support of the PUMP Act to expand workplace protections for breastfeeding moms and ensure they have access to appropriate and necessary accommodations.

Decades of research have shown that breastfeeding is one of the most cost-

effective interventions for improving maternal and child health.

Compared with formula-fed children, breastfed babies have a reduced risk of ear, skin, stomach, and respiratory infections, sudden infant death syndrome, obesity, type 1 and 2 diabetes, asthma, and childhood leukemia.

However, while 84 percent of U.S. babies are breastfed at birth, only 25 percent are still exclusively breastfed at 6 months of age.

I commend my colleague, CAROLYN MALONEY, for her career-long dedication to improving these breastfeeding statistics.

Congresswoman MALONEY's 2010 Break Time for Nursing Mothers law provided the first critical protections to ensure mothers would have reasonable break times and a private place to pump breast milk.

□ 0945

Mothers with this access to workplace support have lower healthcare costs, absenteeism, and turnover and show improved job morale, satisfaction, and productivity.

However, that law unintentionally excluded 9 million women from these workplace protections, including teachers, software engineers, and many nurses.

Expanding workplace protections to include these women is important because research clearly shows that without protections, breastfeeding employees have increased risk of painful illness and infection, diminished milk supply, and are more likely to stop breastfeeding early.

As cochair of both the Maternity Care Caucus and the Public Health Caucus, I am proud to be an original cosponsor of the PUMP Act, which is a commonsense solution to eliminating workplace barriers that interfere with successful breastfeeding.

The PUMP for Nursing Mothers Act is critical to ensuring all mothers have the opportunity to reach their personal breastfeeding goals to protect their babies, and I urge my colleagues to support this bill.

Madam Speaker, I include in the RECORD a letter of support from the Academy of Nutrition and Dietetics.

WRITTEN STATEMENT OF THE ACADEMY OF NUTRITION AND DIETETICS BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES, SEPTEMBER 27, 2021

DEAR SPEAKER PELOSI, MINORITY LEADER MCCARTHY, MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The Academy of Nutrition and Dietetics submits this letter to the U.S. House of Representatives in full support of the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110).

Representing more than 112,000 credentialed nutrition and dietetics practitioners, the Academy of Nutrition and Dietetics is the world's largest organization of food and nutrition professionals. The Academy is committed to improving the nation's health and advancing the profession of dietetics through research, education and advocacy. Our vision is a world where all people thrive through the transformative power of food and nutrition. Our mission is to ac-

celerate improvements in global health and well-being through food and nutrition.

The Academy's impact goals include increasing equitable access to food, nutrition and other life-style related services. As an organization that is overwhelmingly composed of women in the workforce, the struggle to balance professional responsibilities and motherhood is well-known to our members as is the nutritional case for breastfeeding and its continuance despite returning to work. Thus, for the Academy, the issue of workplace accommodations for breastfeeding women is both personal to our members and their health and professional given the unquestionably essential role of human milk in early nutrition for infants.

For over a decade—truly since the passage of the Affordable Care Act—the Academy has advocated for legislation addressing workplace accommodations for mothers doing their best to meet the demands of earning a wage, caring for their infants and protecting their own health but who work for employers not included in existing law.

Women choosing to continue breastfeeding after returning to work should be supported in this very personal yet consequential decision that carries life-long outcomes for both mom and infant.

It is unfortunate that such an important decision is often not supported or understood by employers who benefit directly. In one study, only 40 percent of mothers reported having access to both break time and a private space to pump while on the job. There is also inconsistency regarding how employers meet legal requirements to accommodate breastfeeding workers, even for those currently covered by the law. As shared in the media, stories from women employees report janitorial and other closets as the designated pumping location and reveal barriers faced by moms requesting an unpaid break.

A key recommendation of the 2020–2025 Dietary Guidelines for Americans is, “For about the first 6 months of life, exclusively feed infants human milk. Sadly, among women who work full-time, only 10% of those who started breastfeeding their babies will still be breastfeeding by the time their infant reaches six-month of age. The anticipation and apprehension associated with how to continue to breastfeed after returning to work prevents some moms from even initiating breastfeeding.

There are three key reasons that Congress should pass the PUMP for Nursing Mothers Act: 1) Human milk offers superior nutrition and health benefits compared to infant formula, 2) employers benefit from breastfeeding moms who return to work and 3) increasing breastfeeding initiation and duration are public health priorities of the United States. Examining the rationale more closely demonstrates the positive outcomes expected with passage of the bill.

1. Human Milk Offers Superior Nutrition and Health Benefits Compared to Infant Formula

The Academy has previously noted that “. . . exclusive breastfeeding provides optimal nutrition and health protection for the first 6 months of life and breastfeeding with complementary foods from 6 months until at least 12 months of age is the ideal feeding pattern for infants. Breastfeeding is an important public health strategy for improving infant and child morbidity and mortality, improving maternal morbidity, and helping to control health care costs. Breastfeeding is associated with a reduced risk of otitis media, gastroenteritis, respiratory illness, sudden infant death syndrome, necrotizing enterocolitis, obesity, and hypertension. Breastfeeding is also associated with improved maternal outcomes, including a reduced risk of breast and ovarian cancer, type

2 diabetes, and postpartum depression. These reductions in acute and chronic illness help to decrease health care related expenses and productive time lost from work.

2. Employers Benefit from Breastfeeding Moms Who Return to Work

Aside from nutrition and the health benefits to the mother and baby, employers gain from women who continue to breastfeed after returning to work. First, breastfeeding employees miss work less often. One-day absences to care for a sick infant or child happen twice as often for mothers who chose to feed their infants formula. Second, since breastfeeding is associated with lower health care costs for mother and baby, employers also benefit from lower medical insurance claims. One insurance company, CIGNA, found that 343 employees participating in a worksite lactation support program resulted in an annual savings of \$240,000 in health care expenses, 62 percent fewer prescriptions and \$60,000 savings related to absenteeism rates over a two-year period. Finally, for businesses that offer a worksite lactation program, there are even greater tangible benefits to the employer. These include lower turnover rates and absenteeism for working women, fathers and partners; additional health care savings; higher productivity and loyalty; as well as a positive public image.

3. Increasing Breastfeeding Initiation and Duration are Public Health Priorities of the United States

Across federal agencies, significant resources are appropriated and authorized to encourage mothers to initiate breastfeeding and to continue after returning to work. A few examples include:

HEALTH AND HUMAN SERVICES

In 2011 a landmark policy document, The Surgeon General's Call to Action to Support Breastfeeding, outlined measurable goals and objectives for stakeholders' efforts to align national policy with public health goals. While progress has been made over the past decade because of the recommended actions, there continue to be gaps and opportunities to address policies that support breastfeeding including those related to employment and the workforce.

The Office of Women's Health offers support for women through published guidance and notably for employers through its "Business Case for Breastfeeding."

U.S. DEPARTMENT OF AGRICULTURE

The Women, Infants and Children's Program receives appropriated funds to support its peer counseling program and the program extends participation to women who continue to breastfeed for one-year post-partum.

The 2020-2025 U.S. Dietary Guidelines for Americans led by the USDA recently added new recommendations for children from birth to two years of age. As noted, a key recommendation is that for the first 6 months of life, infants should be fed human milk. After 6 months of life, complementary foods and breastfeeding are recommended until one year of age.

CENTERS FOR DISEASE CONTROL AND PREVENTION

The Centers CDC has made breastfeeding a public health priority and encourages state health departments, hospitals and local communities to implement public health goals and align resources to support breastfeeding rates for communities of color. "Because of the importance of breastfeeding for the health of mothers and babies, CDC supports breastfeeding through hospital initiatives, work site accommodation, continuity of care, and community support initiatives."

The federal government advocates for breastfeeding and its continuance for work-

ing women, but laws and regulations don't make it easy for women in all sectors of the workforce to fulfill breastfeeding public health goals and objectives.

Why will the PUMP Act help?

It is reasonable to expect that if breastfeeding and workplace accommodations are seen as public health priorities by the federal government and tax-payer dollars are used to fund programs designed to encourage and support breastfeeding for the public, that policies protecting and advancing the interest of the government's investment should be implemented. The PUMP Act is one such policy that will eliminate barriers for women who are teachers, flight attendants and other exempt workers.

The bi-partisan PUMP Act will bring equity to nearly nine million women in the workforce and their families who currently lack protections as they seek to provide recommended nutrition to their new babies.

Women in the workforce are striving for economic stability to help support their families. The country benefits from their contributions to our economy. Instead of focusing on what happens when employees need unpaid time to feed their baby as their doctor, nutrition experts, and the U.S. government recommend, consider what happens and the cost to our nation when they do not. Through WIC, the U.S. government provides services to approximately 53 percent of all U.S. infants. Infant formula is the most expensive item in WIC food packages and costs to the government exceeded \$927 million in fiscal year 2010. The direct cost to the government of providing infant formula and the related indirect cost of employee turn-over, absenteeism and most importantly, the increased health care costs of formula-fed infants make this bill a win for all parties and protects the economic interest of the U.S.

Perhaps then Federal Reserve Chair and current Secretary of Treasury Janet Yellen said it best in an essay following her 2017 remarks at the "125 Years of Women at Brown Conference" sponsored by Brown University in Providence, Rhode Island:

"... a number of factors appear to be holding women back, including the difficulty women currently have in trying to combine their careers with other aspects of their lives, including caregiving. In looking to solutions, we should consider improvements to work environments and policies that benefit not only women, but all workers. Pursuing such a strategy would be in keeping with the story of the rise in women's involvement in the workforce, which has contributed not only to their own well-being but more broadly to the welfare and prosperity of our country."

The Academy of Nutrition and Dietetics urges all members of Congress to vote in support of this bill because it is the right step to support babies, mothers, employers and ultimately the health and prosperity of our nation.

Thank you for your consideration.

JEANNE BLANKENSHIP, MS
RDN,
Vice President, Policy
Initiatives and Advocacy, Academy of
Nutrition and Dietetics.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3110 leaves a whole host of unanswered questions for employers regarding their obligations under the bill as written. H.R. 3110 threatens job creators with disproportionate penalties for technical or unin-

tentional violations of the FLSA's accommodation requirements.

For example, are employers required to build a separate room to provide these accommodations?

H.R. 3110 fails to answer this question or the circumstances and specifications an employer would need to know to comply with such a requirement, or how such requirements would interact with other Federal laws.

For instance, the bill does not clarify whether the space must be compliant with Americans with Disabilities Act, ADA, accessibility requirements, or how it will fit in with the ADA requirements, such as clear path of travel. Nor does the legislation give appropriate guidance as to whether the space must be permanent or temporary. In addition, the remedies in H.R. 3110 go far beyond what is recoverable with respect to other proven wage-and-hour and break violations under both Federal law and State laws.

The expansion of remedies in the bill will increase litigation and result in a financial windfall for trial lawyers. But these penalties do not address the employees' main interest in obtaining appropriate break time and space. Expanded monetary damages will undoubtedly lead to more litigation and the additional delays that litigation brings in already overburdened courts. It also should be noted that the Department of Labor is better suited to enforce technical violations of the FLSA quickly and effectively; litigation is no solution.

DOL has institutional knowledge of Federal labor laws, including the FLSA, and is equipped to provide accurate guidance to employers.

To understand the implications of H.R. 3110, one only needs to look at the proliferation of lawsuits for "gotcha" technical violations throughout various Federal and State wage-and-hour laws or the ADA to recognize that costly litigation will follow and positive results for employees will be delayed.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), the chair of the Civil Rights and Human Services Subcommittee of the Committee on Education and Labor.

Ms. BONAMICI. Madam Speaker, I rise in strong support of the bipartisan PUMP for Nursing Mothers Act.

Since 2010, the Affordable Care Act has required employers to provide nursing mothers with break time to express milk, as well as access to a private non-bathroom space for pumping.

Although this was a significant improvement for working moms—one that I didn't have when I was breastfeeding my babies—the law still left 9 million workers uncovered, including teachers, agriculture workers, engineers, and others.

This coverage gap is unacceptable, and it means that each year millions of parents who choose to breastfeed must

decide between the health of their child and maintaining employment. The coverage gap has also disproportionately harmed Black and brown women, who represent 12 percent of the workforce but nearly 20 percent of women of childbearing age who are not covered by the existing break time provision.

The PUMP for Nursing Mothers Act will address this coverage gap by simply amending the Fair Labor Standards Act to provide protections to workers who are not currently covered.

As Representative HERRERA BEUTLER explained, this is current law. We are just closing a gap that is leaving too many nursing moms out. It will also clarify that if a worker is not relieved of their duties during the time spent pumping, then those hours must count as hours worked.

Madam Speaker, I urge all of my colleagues to support the rights of women in the workplace and to help their families by joining me in voting for the bipartisan PUMP Act.

Madam Speaker, I include in the RECORD a letter in support of the bill from the United States Breastfeeding Committee.

WRITTEN STATEMENT OF NIKIA SANKOFA EXECUTIVE DIRECTOR OF THE U.S. BREASTFEEDING COMMITTEE BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES—SEPTEMBER 24, 2021

DEAR SPEAKER PELOSI, MAJORITY LEADER MCCARTHY, AND ALL MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Breastfeeding Committee (USBC) submits this letter to the U.S. House of Representatives in full support of the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110).

The USBC is a coalition of more than 100 national nonprofits, breastfeeding coalitions, community-based organizations, and federal agency partners that support a shared mission to drive collaborative efforts for policy and practices that create a landscape of breastfeeding support across the United States. We are committed to ensuring that all families in the U.S. have the support, resources, and accommodations to achieve their breastfeeding goals in the communities where they live, learn, work, and play.

We know that the vast majority of people become parents during their lifetime, and their needs and the needs of their infants are neither surprising nor difficult to meet if we plan appropriately. A simple and common-sense policy solution to address ongoing workplace barriers and inequities is within the reach of Congress through the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110), which strengthens the existing Break Time for Nursing Mothers law and has bipartisan and bicameral support.

HUMAN MILK: A PROVEN PREVENTION STRATEGY

Breastfeeding is a primary prevention strategy that builds a foundation for lifelong health and wellness, adapting overtime to meet the changing needs of the growing child. The evidence for the value of human milk feeding to overall health is scientific, robust, and continually being reaffirmed by new research.

Human milk feeding is proven to reduce the risk of a range of illnesses and conditions for infants and mothers. Compared with commercial milk formula fed children, breastfed infants have a reduced risk of ear,

skin, stomach, and respiratory infections; diarrhea; and sudden infant death syndrome. In the longer term, breastfed children have a reduced risk of obesity, type 1 and 2 diabetes, asthma, and childhood leukemia. Women who breastfed their children have a reduced long-term risk of type 2 diabetes, cardiovascular disease, and breast and ovarian cancers. The American Academy of Pediatrics recommends infants be exclusively breastfed for about 6 months with continued breastfeeding while introducing complementary foods for at least 1 year.

BARRIERS TO SUCCESS

The great majority of pregnant women and new parents want to breastfeed, but significant barriers in the community, health care, and employment settings can impede breastfeeding success. In 2017, the national breastfeeding initiation rate among infants was 84.1 percent, representing a 13.8 percent increase from 2001. However, by six months of age, only 25.6 percent of U.S. infants exclusively breastfed. Despite overall increases in breastfeeding initiation and duration, deep racial, geographic, and socioeconomic disparities in breastfeeding rates persist. Compared to national averages, only 73.7 percent of Black infants and 80.7 percent of Native American infants are ever breastfed, contributing to inequalities in maternal and infant health outcomes. Furthermore, a distressing 60 percent of mothers report that they did not breastfeed for as long as they intended.

Structural and environmental barriers can make it difficult or impossible for families to establish an adequate milk supply to sustain human milk feeding at medically recommended levels. For many families, rather than being a matter of personal choice, infant feeding practice is informed by circumstance.

More than half of mothers enter or return to the labor force before their children turn one year old, with as many as one in four women returning within just two weeks of giving birth. When back at work or school, many discover that they are unable to pump breast milk as frequently as necessary or they have no choice but to pump in an unsanitary or unsafe location, such as a bathroom. Economically-marginalized women and non-white women are more likely to return to work earlier than their more affluent white counterparts. Without necessary accommodations, they are too often unable to produce enough milk for a caregiver to feed their child during separations and may not be able to maintain their milk supply.

Breastfeeding families throughout the United States are facing barriers that make it difficult or impossible to start or continue breastfeeding—but it does not have to be this way. Public health initiatives, including legal and policy interventions and approaches designed to enable more infants to breastfeed, have the potential to markedly improve population health.

CURRENT LAWS AND SIMPLE ACCOMMODATIONS ACROSS INDUSTRIES

The Break Time for Nursing Mothers law (Break Time law), passed in 2010, provides critical protections to ensure that employees have reasonable break time and a safe, private place to pump breast milk. All the same strategies that businesses use for any other type of break time, such as rest breaks, meal breaks, or medical breaks can be utilized to support breastfeeding employees.

Businesses of all sizes and in every industry have found simple, cost-effective ways to meet the needs of their breastfeeding employees as well as their business. The Department of Health and Human Services (HHS) Office on Women's Health hosts the Supporting Nursing Moms at Work resource,

which provides a critical link between the need for workplace support for breastfeeding families and the need for implementation guidance for their employers. The online resource provides a user-friendly tool that employers can use to identify and implement industry-specific solutions to providing time and space accommodations that work from farm fields to grocery stores, and restaurants to offices. These examples are already helping employers and employees identify practical solutions that work for their business.

In many workspaces, compliance is as simple as placing butcher paper or a curtain over a window in a managers' office. In outdoor worksites, pop up tents or the cab of a construction vehicle are used to meet the needs of breastfeeding employees. To be functional, the pumping space simply needs to be furnished with seating and a flat surface such as a desk, small table, or shelf for the breast pump. As long as the space is available each time the breastfeeding employee needs it, the employer is meeting the requirements of the law. If there are no breastfeeding employees, the employer does not need to maintain a space.

GAPS IN CURRENT LAW AND IMPACT ON FAMILIES

Unfortunately, the placement of the Break Time law within section 7(r) of the Fair Labor Standards Act (FLSA) resulted in nearly 9 million women—nearly one in four women of childbearing age—being excluded from coverage. Those left unprotected include teachers, software engineers, and many nurses, among others. Without these protections, breastfeeding employees face serious health consequences, including risk of painful illness and infection, diminished milk supply, or in ability to continue breastfeeding.

Over the past decade we have learned how to make breastfeeding and employment work, but the significant coverage gaps in the Break Time for Nursing Mothers law mean that workplace breastfeeding accommodation implementation is radically inconsistent. Employees of the same company and in the same building frequently do not have access to the same accommodations, and to figure out who must be accommodated can be complicated for businesses.

In addition, little recourse is available for employees who are covered by the Break Time law to ensure they can use their rights. Section 7(r) of the FLSA does not specify any penalties if an employer is found to have violated the break time for nursing mothers requirements. This means that in most instances, an employee may only bring an action for unpaid minimum wages or unpaid overtime compensation and an additional equal amount in liquidated damages. According to the Request for Information on the Break Time for Nursing Mothers provision, which includes the Department of Labor's preliminary interpretations of the law, "Because employers are not required to compensate employees for break time to express breastmilk, in most circumstances there will not be any unpaid minimum wage or overtime compensation associated with the failure to provide such breaks."

A BIPARTISAN SOLUTION TO SIMPLIFY EXISTING LAW: THE PUMP FOR NURSING MOTHERS ACT

A policy solution with bipartisan support, the PUMP Act would support breastfeeding employees while clarifying implementation for employers across the nation. The bill would strengthen the 2010 Break Time law by closing the coverage gap and providing remedies for nursing mothers that are available for other violations of the FLSA.

The Break Time for Nursing Mothers provision is written with language that provides

immense flexibility and does not require the construction of a permanent, dedicated lactation space. The PUMP for Nursing Mothers Act would maintain this flexibility. More than half of all states have enacted legislation that impacts breastfeeding employees. For many of these states, the PUMP for Nursing Mothers Act would have little to no impact on employer requirements.

For over ten years, the U.S. Breastfeeding Committee has worked with organizations and government agencies on this issue. We have documented the experiences of workers and employers, seen the innovative solutions created by businesses of all sizes, and identified the legislative gaps that need to be addressed. After more than a decade of raising awareness and mobilizing action, one thing is clear: America needs the PUMP for Nursing Mothers Act.

By aligning federal law with the needs of families and ensuring that employers have the comprehensive resources and support that they need, we can create a better tomorrow together.

Thank you for your consideration.

NIKIA SANKOFA,
EXECUTIVE DIRECTOR,
U.S. Breastfeeding Committee.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, supporters of H.R. 3110 claim the bill merely fills unintended gaps in the nursing-accommodation requirements signed into law in 2010, but this description is not accurate.

H.R. 3110 imposes a flawed scheme full of unreasonable expanded mandates, including overly-broad coverage coupled with gratuitous and disproportionate penalties. The bill expands the Fair Labor Standards Act's coverage of break time for nursing mothers to all 143 million employees covered by the act. As a result, H.R. 3110 will require one-size-fits-all nursing accommodations and impose substantial compliance burdens on a wide variety of workplaces and industries.

Admitting this problem in the underlying bill, the manager's amendment attempts to mitigate the bill's requirements so that they are compatible with ensuring safety and security for airline passengers and flight crews.

H.R. 3110 requires that airline employees have access to an enclosed area for pumping breast milk, even though aircrafts designs are regulated by the FAA for safety, security, and reliability, with limited ability to add additional enclosed space. Remote and rural airports also face unique challenges because of the smaller planes in use at those airports. It is even more challenging to provide a private space in a commercial aircraft other than a bathroom, as mandated by H.R. 3110.

Additionally, many of these planes have small flight crews with few redundancies in duties. Under the bill, they would be hard-pressed to maintain appropriate staffing levels and access to services. Exposing businesses to inflexible and unworkable requirements,

coupled with increased penalties for alleged violations, will clearly create new incentives for trial lawyers.

H.R. 3110 will only encourage trial lawyers to file more lawsuits of questionable validity targeting unsuspecting business owners. Supporters of H.R. 3110 say the bill is about providing women with better accommodations in the workplace, but the truth is the bill fails to live up to that promise.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, consideration of H.R. 3110 marks the latest in a series of affronts to small businesses perpetuated by House Democrats throughout the 117th Congress. Last month, Democrat members of the Committee on Education and Labor voted to increase drastically the penalties on employers, including a 512 percent increase in Occupational Safety and Health Act penalties and a whopping 900 percent increase in Fair Labor Standards Act penalties on job creators, including small businesses.

Democrats also voted to authorize the National Labor Relations Board to levy \$50,000 and \$100,000 fines on small business owners for business activities that are currently lawful.

Republican Members offered several amendments at the committee's reconciliation markup to exempt small businesses from the devastating impacts of those provisions. However, these commonsense amendments were voted down by committee Democrats on party-line votes.

The bill we are debating today was reported out of committee with disturbing implications for smaller employers. Currently under the FLSA, businesses with fewer than 50 employees may demonstrate that the FLSA's nursing-accommodation requirements would impose an undue hardship. The FLSA's unique hardship provision is an affirmative defense to claims that small businesses must demonstrate in court.

Committee Democrats chose to cut the undue hardship exemption in half to fewer than 25 employees. While this Democrat affront to small business was corrected in the manager's amendment, more changes are necessary to protect small businesses fully.

H.R. 3110 imposes excessive penalties for minor or technical violations of the FLSA's nursing-accommodation requirement, while failing to anticipate workplace realities in providing accommodations. These excessive penalties, combined with the high probability of minor or unintended infractions related to compliance with a complex mandate on hundreds of thousands of new businesses, will lead to a proliferation of expensive and protracted lawsuits, resulting in delayed accommodations for workers.

In contrast to the shortcomings of H.R. 3110, Dr. MILLER-MEEKS submitted a responsible substitute amendment for consideration, which implements commonsense and workable alterations to the FLSA's nursing-accommodation requirements. The Miller-Meeks' amendment adds nursing accommodation coverage for white collar executive, administrative, or professional employees while preserving FLSA treatment of unique and disparate workplaces.

Her amendment also preserves the Secretary of Labor's FLSA enforcement authority to address shortcomings in workplace accommodations through injunctive relief or levy civil monetary penalties against repeat and willful violators.

Dr. MILLER-MEEKS' amendment would not only ensure that the needs of small businesses are protected, but would also update FLSA nursing-accommodation requirements in a way that meets the needs of both mothers and employers.

It is disappointing and unfortunate that the Democrat leadership prevented the Miller-Meeks' amendment from being considered today.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. VAN DUYNE).

Ms. VAN DUYNE. Madam Speaker, if we adopt the motion to recommit, we will instruct the Committee on Education and Labor to consider an amendment to exempt certain industries with unique workplace environments from the requirements in the underlying bill.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the motion to recommit.

The SPEAKER pro tempore (Ms. UNDERWOOD). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

□ 1000

Ms. VAN DUYNE. Madam Speaker, H.R. 3110 imposes one-size-fits-all nursing accommodation requirements on different kinds of work environments, including those found in the airline, shipping, and agriculture industries.

As a mother of two who nursed both children while working, I understand the importance of having these accommodations in the workplace.

Under current law, the Fair Labor Standards Act provides hourly employees with access to accommodations while providing for certain industry and job specific exemptions. This approach includes special protections to include the smallest of farms, which are not proportionally impacted by regulatory mandates such as the one we are debating today.

The mandate in H.R. 3110 would impose the same requirements on all 143 million employees covered under the FLSA. This would impose substantial compliance challenges and introduce safety concerns based on the nature of business operations in certain settings. For example, this would fail to account for the unique working conditions found in the aviation industry.

H.R. 3110 requires that airline employees, who are currently exempt from FLSA breastfeeding accommodation requirements, have access to a space for pumping breast milk. This is despite the fact that aircraft designs are regulated by the FAA for safety and reliability purposes with limited ability to add additional private spaces.

Modification of aircraft space would be prohibitively expensive and require the removal of airline seats. This requirement is even more challenging for smaller planes with fewer passenger seats that service regional airports.

Additionally, pilot and flight attendant duties are heavily regulated by the FAA with few redundancies in duties among staff, complicating the ability of aviation businesses to maintain appropriate staffing levels and access to services when faced with inflexible government-mandated breaks.

Democrats acknowledged this problem in their manager's amendment to H.R. 3110 but failed to mitigate the negative impacts the bill would have on critical passenger safety and security functions, both on the ground and during flight.

Because workplaces are not one-size-fits-all, it is critical that any legislation in this area preserves flexibility for airline, shipping, and small farm employers to work with their employees to develop best practices in meeting individual workplace needs.

Sweeping and overly prescriptive requirements that do not adequately address both the workplace environment and workplace needs will not lead to the best results for working mothers.

Nursing mother accommodations should be encouraged, and the ongoing efforts of businessowners to ensure access for their workers are to be applauded and supported.

I am going to offer this motion to recommit to ensure certain businesses have the flexibility to be able to develop nursing accommodations that meet the needs of their employees while accounting for unique working environments.

Madam Speaker, I urge the adoption of this motion to recommit.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, H.R. 3110 is not the right way to empower women in the workplace.

I support expanding flexible nursing accommodations in the workplace for women, but not in such a way that will

unnecessarily increase liability for employers without helping nursing mothers.

Furthermore, this bill levels excessive penalties for minor technical violations, opening our job creators to expensive and spurious lawsuits.

Dr. MILLER-MEEKS' Supporting Working Mothers amendment is a responsible alternative. It expands nursing accommodation coverage to a variety of workplaces but also maintains exceptions for unique workplaces.

That is the kind of flexible pro-woman and pro-jobs solution we need. We have had enough of Democrats' one-size-fits-all approach and overly broad mandates that hurt the very job creators we are relying on to help our economy recover from this pandemic. It is very disappointing that the majority denied debate on a practical alternative that will meet the needs of working mothers.

Madam Speaker, I encourage my colleagues to vote "no" on H.R. 3110. This bill would do much more harm than good. I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I include in the RECORD letters in support of the bill from the AFSCME and the Association of Flight Attendants-CWA.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOY-
EES, AFL-CIO,

Washington, DC, October 21, 2021.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to vote yes on the PUMP for Nursing Mothers Act (H.R. 3110). This bill prioritizes both the physical and economic needs that new mothers must balance upon returning to work. It strengthens federal employment standards that protect working women who need break time and a private space, other than a bathroom, to express breast milk.

The Fair Labor Standards Act (FLSA) currently requires employers with more than 50 employees to provide a space for mothers to either nurse or express breast milk. Covered employers must also provide reasonable breaks for workers to nurse. An estimated 8.65 million women of childbearing age are excluded from these nursing mother protections because they are not covered by wage and hour standards under the FLSA. Current law also lacks broader enforcement mechanisms for workers denied these protections.

H.R. 3110 improves current protections by: Expanding the number of nursing workers protected by the law.

Extending the duration of the protections from one year after the child's birth to two years after the employee gives birth or begins providing breast milk for a nursing child.

Limiting undue hardship exemption to employers with fewer than 25 employees, rather than employers with fewer than 50 employees under current law.

Clarifying that banned workers can seek legal and equitable relief for their employer's failure to provide them with the needed break times and private space to express milk.

We urge you to stand with working women and their families by voting to pass H.R. 3110.

Sincerely,

BAILEY K. CHILDERS,
Director of Federal Government Affairs.

WRITTEN STATEMENT OF THE ASSOCIATION OF FLIGHT ATTENDANTS-CWA (AFA), AFL-CIO BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES—SEPTEMBER 27, 2021

DEAR SPEAKER PELOSI, MINORITY LEADER MCCARTHY, AND MEMBERS OF CONGRESS: The Association of Flight Attendants-CWA (AFA) AFL-CIO submits this letter to the U.S. House of Representatives in full support of the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110).

AFA represents nearly 50,000 Flight Attendants at 17 airlines. Our union has advanced the Flight Attendant profession for 75 years, beating back discrimination and improving wages, benefits, working conditions, and aviation safety, health and security in the aircraft cabin. When the profession began Flight Attendants could not be married or pregnant, among other discriminatory conditions of employment.

For years, AFA has identified the need for federal protections for nursing Flight Attendants because none exist. In 2010, the Break Time law, which amended the Fair Labor Standards Act (FLSA) to require that employers provide reasonable break time as well as a private place other than a bathroom to express milk provided a monumental step in the right direction. However, millions of nursing mothers were unintentionally left out of this important piece of legislation. The PUMP Act finally rectifies this oversight and includes Flight Attendants.

In 2021, AFA conducted a survey of almost 400 Flight Attendants to understand their perspective on pumping and expressing breast milk during the course of their work day. An overwhelming majority (86 percent) of Flight Attendant respondents indicated that they faced significant obstacles pumping while on and off duty, as well as in between flights. As a result, 75 percent of Flight Attendant respondents decided to quit pumping and expressing breast milk before they planned to because it was too difficult to find the time, a private location, a clean environment, and access to cold storage for their milk.

We support the PUMP Act because it will alleviate many of these obstacles for nursing Flight Attendant moms to ensure they have the right, along with the privacy, to pump and express milk. We realize this is a complex issue for Flight Attendants who work in an unconventional workplace. However, we can and should do better to support these nursing mothers in the workplace.

We urge all members of Congress to vote in support of H.R. 3110, the PUMP Act.

Thank you for your consideration,

STEVE SCHEMBS,
Director of Government Affairs, Association of
Flight Attendants-CWA (AFA).

Mr. SCOTT of Virginia. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, it has now been more than a decade since Congress passed critical protections to guarantee nursing workers break time and private space to express breast milk at work.

As we have heard today from Members on both sides of the aisle, these protections are essential to protecting the health of nursing workers and their

families, yet nursing workers are continuing to suffer from gaps and weaknesses in the Federal law.

The need to address these gaps is even greater today as our economy recovers from COVID-19. Millions of workers, particularly working mothers, are looking to re-enter the workforce after being forced out of their jobs during the pandemic.

The PUMP for Nursing Mothers Act would provide workers with the peace of mind that they will not have to choose between returning to work and protecting themselves and their babies.

Madam Speaker, we have an opportunity to deliver on our promise to help all workers recover from the pandemic, stay safe, and succeed in their careers. This legislation will strengthen existing law, improve the lives of nursing workers across the country, and help our economy get back on its feet.

We know this program works because the provisions in this bill are already law on the Federal level and in several States, without the kind of problems that have been suggested that might happen—those have not occurred under present law—and without any explosion of lawsuits. These provisions are already law, and there have not been lawsuits.

The substitute offered by the minority does not expand to as many mothers as this bill does, and it would actually roll back some protections they already have.

Madam Speaker, I want to thank the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentlewoman from Washington State (Ms. HERRERA BEUTLER) for their leadership on this bipartisan legislation.

Madam Speaker, I urge my colleagues to support the PUMP for Nursing Mothers Act, and I yield back the balance of my time.

Ms. ADAMS. Madam Speaker, I rise today as chair of the Subcommittee on Workforce Protection; co-founder and co-chair of the Black Maternal Health Caucus; as one of the original cosponsors of the bipartisan PUMP for Nursing Mothers Act; and as the mother of Jeanelle and Billy.

The issue before us today is one of equity and fairness. In our country, mothers often have to choose between providing for their families or nursing their babies.

The PUMP for Nursing Mothers Act ensures that millions of working mothers have the access and protections they need to nurse for as long as they choose to do so.

So, why is this Bill so important? As the co-chair of the Black Maternal Health Caucus, I know how important it is to break down the barriers that hold nursing mothers and their children back from the best possible health outcomes.

Every major medical authority strongly encourages nursing for at least the first year of life, as it provides significant health and nutritional benefits to both the mother and infant.

By closing an unintended loophole, the PUMP for Nursing Mothers Act provides protection and support to an additional 9 million working mothers who have been forced to

choose between nursing and earning a paycheck.

Fundamentally, this bill says that nursing mothers should not be punished for making the best choices for their health, and the health of their children.

Especially during this pandemic and America's maternal health crisis, I urge each of my colleagues to cast a vote for this critical legislation, and I urge the Senate to send it to President Biden's desk.

Ms. JACKSON LEE. Madam Speaker, I rise today in support H.R. 3110, the "Pump for Nursing Mothers Act," which will close an unintentional loophole in the 2010 Break Time for Nursing Mothers Act.

The 2010 law requires employers to provide break time and a place for hourly wage-earning and some salaried employees to express breast milk at work for one year after the birth of the employee's child.

Unfortunately, this law unintentionally excluded a quarter of all working women—nearly nine million employees—from protection.

H.R. 3110 closes this coverage gap by extending the law's protections to cover salaried employees as well as other categories of employees currently exempted from protections, such as teachers, nurses, and farmworkers.

H.R. 3110 would also provide employers clarity on paid and unpaid pumping time.

The bill leaves in place existing law protecting many salaried workers from having their pay docked and clarifies that employers must pay an hourly employee for any time spent pumping if the employee is also working.

Lastly, the bill would ensure that nursing mothers have access to remedies that are available for other violations of the Fair Labor Standards Act.

According to the U.S. Department of Health and Human Services, women with children are the fastest-growing segment of the workforce, and balancing work and family is an important priority for all employees.

More than 80% of new mothers in the United States begin breastfeeding, 1 and 6 in every 10 new mothers are in the workforce.

New parents face an incredible amount of increased difficulties while juggling work, family and mental and emotional tolls that are exacerbated as a new parent.

According to a study published in *Reviews in Obstetrics and Gynecology*, breastfeeding provides health benefits for not only infants, but also for mothers.

For mothers, abstaining from breastfeeding has been associated with an increase in developing various types of cancers, type 2 diabetes, heart attacks, retained gestational weight gain and metabolic syndrome in adult women.

For infants, not being breastfed is associated with infectious illnesses such as pneumonia, ear infections, gastroenteritis, and can increase the risk of developing childhood-onset obesity, type 1 and 2 diabetes, leukemia and SIDS.

This bill will ensure that mothers will no longer be forced to choose between their own health, their infant's health, and their income.

This includes individuals like Melissa Hodgkins, who has had to bring suit against her employer simply to provide workers with a clean, private place and breaks to breast pump at work.

Her coworkers were often of losing their paychecks to ask the airline to accommodate

them; in fact, when some of her coworkers did ask for breaks and a place to pump, her employer actually prohibited them from pumping at work, and even forced them off the job without a paycheck.

The PUMP for Nursing Mothers Act will stop such bad actions by employers and alleviate the disparities that currently exist between breastfeeding employees and their coworkers, sending a clear message that the workforce will protect and support women who opt to balance a career and motherhood.

For these reasons, I encourage all Members to support H.R. 3110, the "Pump for Nursing Mothers Act."

[From ACLU, Sept. 30, 2021]

THE PUMP ACT WOULD PROTECT NURSING WORKERS LIKE ME

(By Melissa Hodgkins)

I took Frontier Airlines to court for making it impossible for me to pump breast milk at work. Other workers shouldn't have to fight for their rights like I did.

When I started my career as a flight attendant, I never imagined that I wouldn't be able to continue breastfeeding after I went back to work. I thought that, like most workplaces, my airline would be required by federal law to provide workers a clean, private place and breaks to pump at work. (That's thanks to a provision known as the Break Time for Nursing Mothers law.)

But it turns out my employer isn't. That's because flight attendants are among the approximately 9 million women who are excluded from the law's protection—along with other transportation workers, teachers, agricultural workers, nurses, and many others. A bill before Congress right now—the PUMP for Nursing Mothers Act—would fix that. Congress should act now to pass it.

I first realized the pickle I was in when I became pregnant with my first child and found out that my employer, Frontier Airlines, didn't provide any accommodations for nursing moms. I'd watched other flight attendant moms trying to make it work pumping on the job—and I saw how stressful it was for them.

They were too fearful of losing their paychecks to ask the airline to accommodate them. When some of my coworkers did ask for breaks and a place to pump, Frontier actually prohibited them from pumping at work, and even forced them off the job without a paycheck.

That was when I started to feel like Frontier was making me choose between my career and breastfeeding my baby. I believe breast milk is optimal for babies, and I wanted to give him those health benefits. At the same time, I didn't feel great about pumping in an unsanitary airplane lavatory, and having to scramble to find time to pump between flights, especially given my unpredictable schedule. I was worried I'd lose my job if I had to pump on duty and got reported. Even though I desperately wanted to keep nursing my baby, I just couldn't see how I could make it work. It was a wrenching decision, but I decided I had no choice but to give up breastfeeding in order to go back to work and support my family.

No woman should have to make that kind of decision. But because of the gap in coverage under the current law, too many of us still do. The ACLU is representing me in a lawsuit arguing that Frontier's treatment of pregnant and breastfeeding pilots and flight attendants is discriminatory. But if the airline had not been exempt from the duty under the existing federal Break Time Law to provide breaks and a clean place to pump, we probably would have never had to take Frontier to court over that in the first place.

The PUMP Act would give workers like me the protection we need: a clear requirement that all employers must provide workers who are nursing with the basic accommodations they need. Solutions exist in all industries—including airlines—that would allow employees to pump safely. And the bill would strengthen the law in other ways, extending protections from one year to two years, clarifying that it covers situations like adoption or stillbirth, and ensuring that when employers are not in compliance, there is a meaningful way to enforce it.

The bill has bipartisan support in Congress. Let's make sure it becomes law so that all workers—no matter what industry they work in—have the choice to continue breastfeeding and the ability to get back to work.

The SPEAKER pro tempore. All time for debate has expired.

Each further amendment printed in part D of House Report 117-137 shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. ROSS

The SPEAKER pro tempore. It is now in order to consider amendment No. 1 printed in part D of House Report 117-137.

Ms. ROSS. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:
SEC. 4. REPORT.

Not later than 24 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate that contains recommendations as appropriate to improve compliance among covered employers, including what is known about employee awareness of the rights afforded to them by the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 716, the gentlewoman from North Carolina (Ms. ROSS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. ROSS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge support for my amendment. My amendment to the PUMP for Nursing Mothers Act would help ensure women have sufficient notice of the new protections afforded to them in this bill.

By ensuring that eligible people are provided with sufficient informational resources, more women will be able to exercise their rights and the likelihood of employer defection will be reduced.

In many places in this country, including my home State of North Caro-

lina, it is easier to take a smoke break than for a mother to take a pump break. This is simply unacceptable.

By passing the PUMP for Nursing Mothers Act, we can end this discrimination against breastfeeding workers and guarantee that no mother will have to choose between earning a living and feeding her child.

But a law is only as effective as its enforcement, and we have unfortunately witnessed countless occasions where businesses have failed to inform workers of their rights. Just in this last year, the Department of Labor investigated six businesses in North Carolina for violations of breastfeeding rights under the Fair Labor Standards Act.

My amendment would provide the necessary information to ensure these workplace violations do not continue. We owe it to our nursing mothers, their families, and our local communities to be vigilant about overseeing the implementation of this law.

This is a gender equality issue, a labor rights issue, and an economic justice issue that demands our attention.

Madam Speaker, I include in the RECORD letters from the director of La Leche and the National WIC Association.

WRITTEN STATEMENT OF DIANE THOMPSON, DIRECTOR OF LA LECHE LEAGUE ALLIANCE FOR BREASTFEEDING EDUCATION BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES—SEPTEMBER 24, 2021

DEAR SPEAKER PELOSI, MINORITY LEADER MCCARTHY, MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: La Leche League Alliance for Breastfeeding Education submits this letter to the U.S. House of Representatives in full support of the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110).

La Leche League Alliance for Breastfeeding Education (LLL Alliance) is a division of La Leche League International in the United States. While we receive our 501(c)(3) tax-exempt status as a charitable organization through our association with LLLI, we are a separately incorporated entity.

Representing over 1000 Leaders spread across 43 states, LLL Alliance provides resources and support for La Leche League Leaders and Area Administrators, as well as information and support for parents.

La Leche League believes that breastfeeding, with its many important physical and psychological advantages, is best for baby and mother and is the ideal way to initiate good parent-child relationships.

Breastfeeding is crucial to the health of both mothers and babies. It provides protections and health benefits for far longer than the duration of the breastfeeding relationship. Why would the USA not want to encourage and support the feeding of human milk? Some of the advantages include for mothers: lower risk of breast cancer, lower risk of ovarian cancer, lower risk of rheumatoid arthritis and lupus, and less endometriosis. For children: fewer instances of allergies, eczema, and asthma, fewer childhood cancers, including leukemia and lymphomas, lower risk of type I and II diabetes, fewer instances of Crohn's disease and colitis. See the CDC, American Academy of Pediatrics and the World Health Organization.

We have Leaders and parents that are supported who are denied the opportunity to pump at work because of the types of jobs they have. Especially affected are teachers in the K-12 system and nurses who are not currently covered. This can have several effects. Mastitis caused by not pumping—these leads to lost days at work and possibly the cessation of breastfeeding. It is disappointing that those individuals who do so much caretaking can be deprived of caretaking for their own children.

Why would the PUMP act be helpful? Among other reasons it would close the coverage gap. The bill would protect nearly 9 million employees excluded from the 2010 Break Time law by extending the law's protections to cover salaried employees as well as other categories of employees currently exempted from protections.

It would provide employers clarity on when pumping time must be paid and when it may be unpaid. The bill leaves in place existing law protecting many salaried workers from having their pay docked and clarifies that any time spent pumping while the employee is also working, a common occurrence for many employees, must be counted as hours worked.

This is not a partisan issue—parents of any party benefit.

La Leche League Alliance for Breastfeeding Education urges all members of Congress to vote in support because as stated above it closes gaps in the current law. Individuals should not have to choose between going to the bathroom or pumping.

Thank you for your consideration.

DIANE THOMPSON,
Director, La Leche
League Alliance for
Breastfeeding Education.

SEPTEMBER 27, 2021.

Re National WIC Association Support for the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110).

On behalf of the National WIC Association (NWA), the 12,000 service provider agencies we represent, and the approximately 6.3 million women, infants, and young children our members serve, we write to express our strong support for the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110). This legislation is a critical step towards ensuring healthy child development and postpartum health outcomes for working mothers served by WIC.

Because millions of nursing moms are in the workforce and need protections to pump breastmilk, the PUMP for Nursing Mothers Act is imperative for protecting the nation's breastfeeding women, including WIC participants. The Dietary Guidelines for Americans, based on longstanding recommendations from the American Academy of Pediatrics, promotes exclusive breastfeeding for the first six months and encourages ongoing breastfeeding as complementary foods are introduced. More than half of mothers return to the paid labor force before their children are three months old, with as many as one in four returning within just two weeks of giving birth. Many of these mothers choose to continue breastfeeding well after their return to work to meet the standards reiterated in the Dietary Guidelines—and those employees need to express (or pump) breast milk on a regular schedule.

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is the nation's leading breastfeeding promotion program, serving about 500,000 breastfeeding women with a combination of professional and peer support. Over the last

two decades, WIC providers have worked to increase the rates of breastfeeding initiation amongst women participating in the program by 30%. As WIC works to address societal, intergenerational, and historic barriers to breastfeeding, employment protections are vital for the 15.2 million women who live in households that earn less than 185% of the federal poverty line.

According to the Surgeon General, breastfeeding protects babies from illnesses like ear, skin, and respiratory infections, diarrhea, and vomiting, as well as longer-term conditions such as obesity, type 1 and 2 diabetes, and asthma. Mothers who breastfeed for the recommended duration benefit, from lower risks of breast cancer, heart disease, and other ailments. Higher breastfeeding rates in the United States are associated with lower healthcare costs, with the American Academy of Pediatrics projecting \$13 billion in health care savings if 90% of families in the United States exclusively breastfed for six months.

Research indicates that significant breastfeeding disparities are sustained by both income and race/ethnicity. Lower-income women experience lower breastfeeding rates than middle-higher income women. Furthermore, Black women experience significantly lower breastfeeding rates than White women and Latinas. Barriers to breastfeeding for these vulnerable groups include family and social pressures, a rapid return to work after delivery, lack of facilities to breastfeed or pump in the workplace and in public, and targeted marketing by the infant formula industry. In order to further improve these rates, specifically amongst low-income women and women of color, workplace barriers to breastfeeding must be addressed.

Passed in 2010, the Break Time for Nursing Mothers provision included in the Patient Protection and Affordable Care Act, provided critical protections to ensure that employees would have reasonable break time and a private place to pump. Since the law was tied to language in the Fair Labor Standards Act (FLSA), millions of nursing mothers were left without an express statutory right to pump at work. Without these protections, nursing mothers face serious health consequences, including risk of painful illness and infection, diminished milk supply, or inability to continue breastfeeding. Employment is compatible with breastfeeding, and solutions to support nursing mothers exist in all industries. In fact, studies show that supporting nursing mothers leads to lower employer health care costs, absenteeism, and turnover, as well as improved morale, job satisfaction, and productivity. Without protection, nursing employees are likelier to face harassment, reduced wages, and job loss.

The fact remains that nursing mothers are suffering negative health consequences and being forced to choose between breastfeeding and earning a paycheck. The PUMP for Nursing Mothers Act would strengthen the 2010 Break Time law by:

CLOSING THE COVERAGE GAP

The bill would protect nearly 9 million employees excluded from the 2010 Break Time law by extending the law's protections to cover salaried employees as well as other categories of employees currently exempted from protections. Unfortunately, the 2010 Break Time law's placement within the part of FLSA that sets overtime meant that nearly 9 million women—nearly one in four women of childbearing age—were excluded from coverage and have no clear right to break time and space to pump breast milk under federal law. Those left unprotected include teachers, software engineers, and many types of nurses, among numerous others. The

categories of employees excluded under FLSA predate the 2010 Break Time law, and were created specifically with overtime exemptions in mind. There is no principled reason why these working mothers should be ineligible to receive break time and space to pump breast milk under federal law. The PUMP for Nursing Mothers Act fixes this harmful error.

PROVIDING EMPLOYERS CLARITY ON WHEN PUMPING TIME MUST BE PAID AND WHEN IT MAY BE UNPAID

The bill leaves in place existing law protecting many salaried workers from having their pay docked, and clarifies that any time spent pumping while the employee is also working, a common occurrence for many employees, must be counted as hours worked. Under the existing Break Time law, breaks do not need to be paid unless they are concurrent with paid breaks. The PUMP for Nursing Mothers Act clarifies that although the breaks taken under the law are typically unpaid, if hourly workers are not actually relieved from duty while pumping, then that time should be counted as hours worked. The bill also specifies that it does not change existing protections preventing employers from deducting compensation from the salaries of employees who are exempt from receiving overtime.

PROVIDING REMEDIES FOR NURSING MOTHERS

The bill would ensure that nursing mothers have access to remedies that are available for other violations of the FLSA, bringing this law into alignment with other requirements that are familiar to employers. Another unintended consequence of the 2010 Break Time law's placement in the FLSA is that an employee who is denied break time and space has no effective remedy for the violation. An employer that violates the 2010 Break Time law can be ordered to pay the employee "the amount of their unpaid minimum wages," but violations of the Break Time law typically do not involve unpaid wages. This leaves those who are denied the ability to pump without any meaningful way to enforce their rights, or to address the negative health consequences (such as physical or emotional suffering from infections or early termination of breastfeeding) or financial harms (like unpaid leave or job loss) that they may suffer. In light of the many exemptions and the absence of an effective way to enforce the law's requirements, it is no surprise that sixty percent of breastfeeding employees still did not have access to break time and space after the 2010 Break Time law was in effect. The PUMP for Nursing Mothers Act fills the gaps in the 2010 Break Time law so all breastfeeding employees receive the full protections of the law.

The PUMP for Nursing Mothers Act represents the next critical step toward bringing federal legislation into alignment with the nutrition and practical needs of our nation's families and their employers. On behalf of WIC's national network of lactation support professionals and the mothers that we serve, we urge your support for this vital legislation.

Sincerely,

THE NATIONAL WIC ASSOCIATION.

Ms. ROSS. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this amendment does nothing to address the short-

comings of H.R. 3110. We do not need a GAO report to know that employers will face numerous challenges in complying with the sweeping requirements imposed by H.R. 3110.

The Fair Labor Standards Act ensures that hourly workers have access to time and space to pump breast milk, while exempting certain professions and industries with unique operating environments.

Working mothers deserve proper accommodations to nurse in a clean and safe environment without fear of losing their jobs, but failing to account for differing workplaces, as H.R. 3110 does, is not the way to help women.

The bill imposes one-size-fits-all treatment on a wide variety of businesses and industries without providing feasible compliance options.

H.R. 3110 would also impose new and excessive penalties for minor or technical violations of the FLSA's nursing accommodation requirement. These unrealistic penalties, combined with compliance challenges resulting from the bill's mandate, will lead to a proliferation of costly and protracted lawsuits. The result will be delayed accommodations for workers.

A report which acknowledges the complexities and liabilities inherent in H.R. 3110 and is released 2 years after the bill takes effect will do nothing to mitigate the bill's failures.

Madam Speaker, for these reasons, I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Ms. ROSS. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I rise strongly in support of the amendment offered by Representative DEBORAH ROSS from North Carolina, and I thank her for her leadership in North Carolina and here in Congress for working mothers, for infants, for families. We need more work-family balance. We need more support for working mothers.

We now know with COVID that many families are not going back to work; they are reassessing their values. When you have a child and you want to breastfeed, and there is no accommodation, there really is no way you can go back to work, so this is pro-business, pro-worker, and pro-family.

Her amendment directs the U.S. Government Accountability Office, GAO, to conduct a study on how employers are complying with the PUMP for Nursing Mothers Act. Even the best legislation must be monitored.

I am excited about the opportunity to ensure that employers are protecting the rights of nursing mothers. It is pro-family when you protect our mothers and our children.

Ms. FOXX. Madam Speaker, I reserve the balance of my time, and I have the right to close.

Ms. ROSS. Madam Speaker, I urge my colleagues to vote in support of my amendment and the bill. Both are essential for our working mothers, for

our families, and for the health of the next generation.

Madam Speaker, I yield back the balance of my time.

□ 1015

Ms. FOXX. Madam Speaker, we have a unique situation here this morning with two Representatives from North Carolina who have totally different opinions of this bill and this amendment.

Madam Speaker, I urge my colleagues to vote “no” on this bill. We can do better. And I urge my colleagues to vote “no” on the amendment; it is a day late and a dollar short. We should know what these things are in advance and not after the fact. It is what some of us might call a run-on amendment. We should have had the GAO study earlier to get a better feel for what this bill would do to working mothers and to businesses in our country.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 716, the previous question is ordered on the amendment offered by the gentlewoman from North Carolina (Ms. Ross).

The question is on the amendment offered by the gentlewoman from North Carolina (Ms. Ross).

The amendment was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT NO. 2 OFFERED BY MS. STRICKLAND

The SPEAKER pro tempore. It is now in order to consider amendment No. 2 printed in part D of House Report 117-137.

Ms. STRICKLAND. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 4. REPORT ON RACIAL DISPARITIES.

The Comptroller General shall—

(1) conduct a study on what is known about the racial disparities that exist with respect to access to pumping breastmilk in the workplace; and

(2) submit to Congress a report on the results of such study containing such recommendations as the Comptroller General determines appropriate to address those disparities.

The SPEAKER pro tempore. Pursuant to House Resolution 716, the gentlewoman from Washington (Ms. STRICKLAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Ms. STRICKLAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, there are several contributing factors to why nursing mothers may choose not to breastfeed and pump milk when returning to work. They include inflexible work schedules that make nursing and pumping breast milk regularly dif-

ficult; the lack of accommodations to pump and store milk; and concerns regarding support from supervisors and colleagues to pump milk.

In addition to these factors, women of color and low-income women often experience the need to return to work shortly after giving birth, in many cases earlier than 12 weeks, and they face additional barriers such as racial discrimination and bias whether intentional or not.

This is why I am proud to offer my amendment to H.R. 3110, the PUMP for Nursing Mothers Act, the underlying bill that protects vulnerable workers by expanding access to breastfeeding accommodations in the workplace.

This important piece of legislation advances our goals of equity in the workplace, and my amendment seeks to strengthen this bill by directing the GAO to conduct a study on the racial disparities that exist in access to pumping breast milk in the workplace.

This amendment will also require that GAO submit a report to Congress on the results of this study with recommendations to address any disparities.

Employers can begin to address these barriers by offering private lactation rooms, or nursing rooms, for both breastfeeding and pumping with proper cleaning and storage facilities such as a table, sink, and small refrigerator, providing employees with adequate pump breaks, allowing flexible work schedules, and guaranteeing paid family leave.

In fact, we can look to my home State of Washington as a prime example of how to lead on this issue. In 2019, the State legislature passed and signed into law House Bill 1930, which goes one step further than the current Federal law by expanding pump break rights to include both salaried and hourly employees, requiring employers to provide a private space for pumping that isn't a bathroom, and allowing mothers to get pump breaks for up to 2 years after birth. Washington is also one of the very few States that provides people with up to 12 weeks paid parental leave after the birth or adoption of a child.

Yet, despite current Federal law, strong State-level protections such as the ones in Washington, and the gains that have been made in this area by employers in different sectors across our Nation, racial disparities in the workplace still exist for women wishing to pump. My amendment aims to close this gap and equip Congress with the data it needs to create meaningful solutions.

We must ensure that women and mothers everywhere and from all backgrounds have the support they deserve in the workplace.

Madam Speaker, I urge my colleagues to support this amendment and the underlying bill, the PUMP for Nursing Mothers Act, and I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3110 exposes a sweeping, one-size-fits-all mandate on businesses of all sizes that is unworkable and unreasonable. The bill treats all nursing mothers and workplaces as if they are the same, despite known differences in employees' needs, industry-specific challenges, and employers' abilities to meet the requirements.

This amendment calls for a Government Accountability Office study on racial disparities with respect to access to workplace accommodations to pump breast milk and for GAO to submit recommendations to Congress—after the bill becomes law.

Madam Speaker, let me be clear, crystal clear. I abhor any type of discrimination. There should be no place for discrimination in our country, in our employment, or anywhere.

A study of this kind, however, should have been commissioned before the committee debated far-reaching legislation to impose a flawed mandate on all businesses in the United States. Instead, H.R. 3110 was rushed to a committee markup within 2 weeks of introduction. Democrats often put the cart before the horse, and this amendment does nothing to remedy the shortcomings of this legislation.

Nursing women are not a monolith. They have unique needs that this legislation ignores. H.R. 3110 is reductive and, working women deserve better.

Madam Speaker, I reserve the balance of my time.

Ms. STRICKLAND. Madam Speaker, I include in the RECORD a letter from A Better Balance.

SEPTEMBER 23, 2021.

Re The PUMP for Nursing Mothers Act (H.R. 3110).

DEAR REPRESENTATIVE: On behalf of A Better Balance, I write to express our strong support for the PUMP for Nursing Mothers Act (“The PUMP Act”; H.R. 3110) because no one in this country should have to choose between feeding their baby and earning an income for their family. The PUMP Act will mean millions of workers, excluded under current law, will have adequate break time and space to express milk at work. The PUMP Act will further the health of our nation's parents, babies, and economy. Affording protections to workers so they can pump milk to feed this country's children should be a priority for every member of Congress. We urge every member to support this bipartisan legislation and vote yes on the PUMP Act.

A Better Balance is a national legal advocacy organization, using the power of the law to advance justice for workers, so they can care for themselves and their loved ones without risking their economic security. We founded A Better Balance fifteen years ago because we recognized that a lack of fair and supportive work-family laws and policies, or more broadly, a “care crisis” was harming a majority of workers, particularly women, especially Black and Latina women, in low-

wage jobs. In the case of nursing parents, too often, parents return to work without the supports they need to continue expressing milk at work and are forced to choose between giving up breastfeeding and maintaining their employment.

As I shared with the House Education and Labor Committee in my March 2021 testimony:

We hear over and over again on A Better Balance's free legal helpline, new mothers returning to the workplace face unfair treatment because their employers refuse to provide them with the time and space needed to express breast milk, forcing them to choose between a paycheck and providing breast milk for their child. Some workers reduce their schedules, are terminated, or are forced out of the workplace, foregoing vital income and familial economic security because their workplaces are so hostile to their need to express milk. Others simply stop breastfeeding altogether, sometimes even before entering the workplace, perceiving (typically correctly) the challenges as insurmountable. Too many who continue in their jobs struggle with harassment, health repercussions, and dwindling milk supply to feed their babies. These challenges face many new working parents, but disproportionately low-wage working mothers of color. These harsh workplace conditions for breastfeeding parents represent a fundamental unfairness and inequity in our legal system—and reinforce the stereotype that motherhood and employment are irreconcilable.

One worker who recently called A Better Balance's helpline, Sarah, is a certified medication assistant at a large long-term care facility in Kansas. Despite having thousands of employees, her employer disparaged her and put up roadblock after roadblock when she needed to pump at work, telling her once "I gave my baby the bottle—I couldn't imagine having a baby attached to me." After her supervisor berated her for needing to pump, and she attempted to find a space in the office to pump to no avail because a co-worker walked in, told her to "hurry up", and refused to leave the room, Sarah resorted to pumping in her car just once a day. Even then, her supervisor came to the parking lot to try and stop her from pumping. Because she was only allowed to pump once a day, she frequently became engorged and suffered painful clogged milk ducts. Meanwhile, at least of six Sarah's co-workers took smoke breaks multiple times a day without comment or issue. The contrast is startling and deeply upsetting.

Sarah is not alone in her struggle. I also shared Izabel's story with the committee:

Izabel, a dental assistant in North Carolina, was fired shortly after submitting a doctor's note requesting three 15-minute pumping breaks during her shift. Prior to submitting the note, she had requested pumping breaks and her employer told her she could only pump once per day during her lunch break—which did not medically meet her breastfeeding needs—even though there were roughly three other dental assistants working in the office who could have helped her with her job duties while she took breaks. Although likely covered by the 2010 Break Time for Nursing Mothers Act, because of the law's limited enforcement, Izabel's ability to get her job back or be made whole were extremely limited.

BREASTFEEDING HAS MYRIAD BENEFITS FOR PARENTS & BABIES BUT, AS WE KNOW FIRSTHAND, TOO MANY WORKPLACES LACK ADEQUATE PROTECTIONS FOR WORKERS

Breastfeeding is increasingly common among American parents. According to a recent study by the United States Centers for Disease Control and Prevention survey, more

than 84 percent of infants born in 2017 were breastfed for at least some amount of time. The U.S. Dietary Guidelines for Americans and the American Academy of Pediatrics recommend exclusive breastfeeding for about 6 months, and continuing breastfeeding while introducing complementary foods until a baby is 12 months old or older. At the same time, more than half of working parents return to their jobs before their babies are three months old; twenty-five percent of workers return within just two weeks of giving birth. This means that working parents who wish to continue breastfeeding will need to pump milk on a regular basis upon returning to work in order to continue feeding their children and to avoid serious health consequences. However, many parents returning to work find it incredibly challenging to pump because they are not provided with adequate break time or space to do so. This may explain why, although 84 percent of infants born in 2017 breastfed for some period of time, only slightly more than 58 percent were still breastfeeding at six months.

The health benefits of breastfeeding are numerous. As I outlined in my testimony:

Research shows that breastfeeding has substantial health benefits for both mothers and babies. Breastfeeding protects babies from acute illnesses, such as infections and diarrhea, which can be serious especially in very young and vulnerable babies like those born preterm, as well as from longer-term conditions like childhood obesity and asthma. Likewise, as Nikia Sankofa, the Executive Director of the U.S. Breastfeeding Committee, made clear in testimony before the House Subcommittee on Health, Employment, Labor, and Pensions and the Subcommittee on Workforce Protections in January 2020, the health benefits for mothers who breastfeed are significant, and include lower risk of breast cancer and heart disease. Medical consensus urges breastfeeding infants for at least their first year of life in order to achieve these health benefits.

CURRENT FEDERAL LAW LEAVES BEHIND MILLIONS OF LACTATING WORKERS

In 2010, Congress passed the Break Time for Nursing Mothers Act as part of the Affordable Care Act. The law amended section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) and affords workers "reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk" and "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk."

While groundbreaking, the 2010 law has three critical problems: 1) it excludes millions of workers; 2) it has inadequate remedies for employees whose rights have been violated; and 3) it lacks clarity around breaks and compensation.

1. Current law excludes millions of nursing parents. The 2010 law is housed in the overtime provisions of the Fair Labor Standard Act ("FLSA") which means that those workers exempted from overtime—nearly nine million women of childbearing age—are also excluded from the law's protections. These millions of workers, including transportation workers, executive, administrative and professional workers, and many others, have no federal right requiring their employer to provide them break time and space to express breast milk. As I emphasized in my testimony, "There is no principled reason why these employees should be denied the law's protections: each industry is fully capable of standard or innovative solutions to ensure their employees do not have to

choose between breastfeeding and their jobs. . . The U.S. Department of Health and Human Services' Office on Women's Health maintains an extensive and detailed website describing how various industries, such as restaurant and retail, can provide lactation break time and space, including video testimonials, employer best practices examples, and other resources. In 2021, there is simply no excuse not to meet the needs of breastfeeding workers."

2. Current law has inadequate remedies for workers who experienced violations. Given the current law's placement in the overtime provisions of the FLSA, the remedy for violations of the Nursing Mothers law is misaligned. Currently, the available remedy is to pay a worker any overtime owed to them. As I explained to the Education and Labor Committee in March,

"Such a remedy makes sense in the context of overtime: an employee who works forty-five hours in a week without overtime pay should be compensated with the missing payment to be made whole. For a breastfeeding worker who has been denied time and space to pump, however, this remedy is nonsensical. A breastfeeding worker who is told she cannot clock out to pump has been denied an unpaid break. Therefore, she has no entitlement to payment and the law's contemplated remedy—compensation for wages—is meaningless to her . . . These weak enforcement mechanisms are antithetical to the goal of ensuring that breastfeeding workers can get the timely accommodations they need to continue breastfeeding and keep their jobs"

3. Current law lacks clarity regarding pumping breaks and compensation. Under current law, pumping breaks that are not taken during a paid break do not need to be paid. However, often, workers who are pumping may clock out but will still take phone calls, emails, or other work requests while pumping, and are then denied compensation for their time worked while pumping. Because the language in the law says that breaks may be uncompensated, confusion persists and violations can occur when employers continue to require employees to work while taking an unpaid pumping break.

THE PUMP ACT WOULD CLOSE GAPS IN THE LAW, PROVIDE APPROPRIATE REMEDIES FOR EMPLOYEES, AND GIVE CLARITY AROUND COMPENSATION. ALTERNATIVE PROPOSALS FALL WELL SHORT OF THIS GOAL

The PUMP Act will close the gaps in current law and extend the 2010 law's protections to nearly nine million employees who are currently uncovered, including nurses, teachers, and software engineers. Corporate leadership, coupled with employees, advocates, and government agencies, have already devised innovative, affordable, and flexible solutions for nearly every workplace environment. In addition, the Committee on Education & Labor also added language at the bill markup requiring the U.S. Department of Labor to work with the Department of Health and Human Services to build out guidance for employers.

The legislation will also provide employers additional clarity as to when break time can be unpaid, and will provide remedies that are already available for other FLSA violations if a worker's rights are violated. At the Education & Labor Committee mark-up of the bill, the Committee also added language ensuring fairness for employers by requiring employees to inform their employers about inadequate space to express breast milk 10 days before they file suit for violating the requirement. The PUMP Act will benefit workers and business alike, as there are well-recognized bottom-line benefits for employers

in providing break time and space for lactating employees, such as reduced absenteeism, lower healthcare costs, and greater recruitment and retention. This is why the U.S. Chamber of Commerce supports this legislation.

At the Committee markup, the minority introduced an Amendment in the Nature of a Substitute, and subsequently, a bill which mirrored that substitute amendment. Now, there is an attempt to include this language again as a substitute amendment to this bill. Although encouraging to see members voice support for break time and space, this substitute amendment does not afford the protections that breastfeeding parents need because it does not address the two main problems that the PUMP Act is addressing. The alternative bill continues to exclude millions of workers from break time and space protections and continues to leave workers with no meaningful remedies. Supporting the alternative bill and not the PUMP Act is hollow at best and offensive to working parents who need real protections.

The PUMP Act will finally close the gaps in the law that have left too many working parents without the ability to pump at work and thrust into the painful position of choosing between breastfeeding and their job. Congress has the opportunity to right a fundamental wrong and pass the PUMP Act. We urge you to support nursing parents in a meaningful way and pass the PUMP Act.

Sincerely,

DINA BAKST,
Co-Founder & Co-President,
A Better Balance.

Ms. STRICKLAND. Madam Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I thank the gentlewoman for yielding and for her leadership on this important bill.

Madam Speaker, I strongly support the amendment offered by Representative STRICKLAND from Washington. It is sensitive, important, and strengthens the bill. It directs the Comptroller General to conduct a study on racial disparities in breastfeeding and submit recommendations to Congress that address those disparities.

As a member of the Black Maternal Health Caucus, we are studying disparities in this caucus on healthcare and the challenges that some women face.

Breastfeeding contains many health benefits for children and for their mothers and should be accessible to all women no matter what their race, and we should study any disparity and try to strengthen access and availability.

This is an excellent amendment, and I support the gentlewoman for her work and sensitivity.

Ms. STRICKLAND. In closing, Madam Speaker, I urge all of my colleagues to support this amendment that benefits all of us regardless of our political affiliation. This is a bipartisan bill, it deserves our support as well as the amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Speaker, let me reiterate again: I have no tolerance whatsoever for any type of discrimination in the workplace or anyplace else. However, if we are going to do a study

about potential discrimination, it should be done before a bill is drafted, introduced, and voted on.

This amendment does not improve the very bad underlying bill, H.R. 3110. Therefore, I urge my colleagues to vote “no” on the amendment, vote “no” on the underlying bill, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 716, the previous question is ordered on the amendment offered by the gentlewoman from Washington.

The question is on the amendment offered by the gentlewoman from Washington (Ms. STRICKLAND).

The amendment was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. VAN DUYNE. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Van Dyne moves to recommit the bill H.R. 3110 to the Committee on Education and Labor.

The material previously referred to by Ms. VAN DUYNE is as follows:

Add at the end the following:

SEC. 5. EXEMPTIONS.

The amendments made by this Act shall not apply with respect to employees described under subsection (a)(6) and under paragraphs (1) through (3) of subsection (b) of section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213).

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. VAN DUYNE. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 200, nays 224, not voting 7, as follows:

[Roll No. 330]

YEAS—200

Aderholt	Bishop (NC)	Cawthorn
Amdoei	Boebert	Chabot
Armstrong	Bost	Cheney
Arrington	Brooks	Cline
Babin	Buchanan	Cloud
Bacon	Buck	Clyde
Baird	Bucshon	Cole
Balderson	Budd	Comer
Banks	Burgess	Crawford
Barr	Calvert	Crenshaw
Bentz	Cammack	Curtis
Bergman	Carl	Davidson
Bice (OK)	Carter (GA)	Davis, Rodney
Bilirakis	Carter (TX)	Diaz-Balart

Donalds	Johnson (OH)	Pfluger
Duncan	Johnson (SD)	Posey
Dunn	Jordan	Reed
Ellzey	Joyce (OH)	Reschenthaler
Emmer	Joyce (PA)	Rice (SC)
Estes	Katko	Rodgers (WA)
Fallon	Keller	Rogers (AL)
Feenstra	Kelly (MS)	Rogers (KY)
Ferguson	Kelly (PA)	Rose
Fischbach	Kim (CA)	Rosendale
Fitzgerald	Kinzing	Rouzer
Fitzpatrick	Kustoff	Rutherford
Fleischmann	LaHood	Salazar
Fortenberry	LaMalfa	Scalise
Fox	Latta	Schweikert
Franklin, C.	LaTurner	Scott, Austin
Scott	Lesko	Sessions
Fulcher	Letlow	Simpson
Gallagher	Long	Smith (MO)
Garbarino	Loudermilk	Smith (NE)
Garcia (CA)	Lucas	Smith (NJ)
Gibbs	Luetkemeyer	Smucker
Gimenez	Mace	Spartz
Gohmert	Malliotakis	Stauber
Gonzales, Tony	Mann	Steel
Gonzalez (OH)	Massie	Stefanik
Good (VA)	Mast	Steil
Gooden (TX)	McCarthy	Steube
Granger	McCaul	Stewart
Graves (LA)	McClain	Taylor
Graves (MO)	McClintock	Tenney
Green (TN)	McHenry	Thompson (PA)
Griffith	McKinley	Tiffany
Grothman	Meijer	Timmons
Guest	Meuser	Turner
Guthrie	Miller (IL)	Upton
Hagedorn	Miller (WV)	Valadao
Harris	Miller-Meeks	Van Drew
Harshbarger	Moolenaar	Van Dyne
Hartzler	Mooney	Wagner
Hern	Moore (AL)	Walberg
Herrell	Moore (UT)	Walorski
Herrera Beutler	Mullin	Waltz
Higgins (LA)	Murphy (NC)	Weber (TX)
Hill	Nehls	Webster (FL)
Hinson	Newhouse	Wenstrup
Hollingsworth	Norman	Westerman
Hudson	Nunes	Williams (TX)
Huizenga	Obenrolte	Wilson (SC)
Issa	Owens	Wittman
Jackson	Palazzo	Womack
Jacobs (NY)	Palmer	Young
Johnson (LA)	Perry	Zeldin

NAYS—224

Adams	Courtney	Higgins (NY)
Aguilar	Craig	Himes
Allred	Crist	Horsford
Auchincloss	Crow	Houlahan
Axne	Cuellar	Hoyer
Barragán	Davidson (KS)	Huffman
Bass	Davis, Danny K.	Jackson Lee
Beatty	Dean	Jacobs (CA)
Bera	DeFazio	Jayapal
Beyer	DeGette	Jeffries
Biggs	DeLauro	Johnson (GA)
Bishop (GA)	DelBene	Johnson (TX)
Blumenauer	Delgado	Jones
Blunt Rochester	Demings	Kahele
Bonamici	DeSaulnier	Kaptur
Bourdeaux	Deutch	Keating
Bowman	Dingell	Kelly (IL)
Boyle, Brendan	Doggett	Khanna
F.	Doyle, Michael	Kildee
Brown	F.	Kilmer
Brownley	Escobar	Kim (NJ)
Burchett	Eshoo	Kind
Bush	Españillat	Kirkpatrick
Butterfield	Evans	Krishnamoorthi
Carbajal	Fletcher	Kuster
Cárdenas	Foster	Lamb
Carson	Frankel, Lois	Langevin
Carter (LA)	Gaetz	Larsen (WA)
Cartwright	Gallego	Larson (CT)
Case	Garamendi	Lawrence
Casten	Garcia (IL)	Lawson (FL)
Castor (FL)	Garcia (TX)	Lee (CA)
Castro (TX)	Golden	Lee (NV)
Chu	Gomez	Leger Fernandez
Cicilline	Gonzalez,	Levin (CA)
Clark (MA)	Vicente	Levin (MI)
Clarke (NY)	Gosar	Lieu
Cleaver	Gottheimer	Lofgren
Clyburn	Green, Al (TX)	Lowenthal
Cohen	Greene (GA)	Luria
Connolly	Grijalva	Lynch
Cooper	Harder (CA)	Malinowski
Correa	Hayes	Maloney,
Costa	Hice (GA)	Carolyn B.

Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips

Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roy
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sanchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier

Stansbury
Stanton
Stevens
Strickland
Suozi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Wasserman
Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NOT VOTING—7

Allen
Brady
Bustos

DesJarlais
Lamborn
Pence

□ 1059

Messrs. COSTA, DOGGETT, Ms. LEGER FERNANDEZ, Mr. GARCÍA of Illinois, Ms. CHU, Messrs. CASTEN, GOSAR, O'HALLERAN, DELGADO, Ms. PRESSLEY, Mr. BURCHETT, Ms. JACKSON LEE, Messrs. SWALWELL and TORRES of New York changed their vote from “yea” to “nay.”

Messrs. LUCAS, WEBSTER of Florida, and Mrs. BOEBERT changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Adams (Brown)
Bowman
(Khanna)
Castro (TX)
(Escobar)
Cawthorn
(McHenry)
Cicilline
(Pingree)
Cooper (Clark
(MA))
Cuellar (Costa)
DeFazio (Brown)
Doyle, Michael
F. (Cartwright)
Frankel, Lois
(Clark (MA))
Fulcher (Johnson
(OH))
Garamendi
(Sherman)
Garbarino
(Jacobs (NY))
Garcia (TX)
(Escobar)
Gonzalez (OH)
(Herrera
Beutler)
Harshbarger
(Kustoff)

Hartzler
(Bucshon)
Hice (GA)
(Greene (GA))
Huffman
(Stanton)
Jayapal (Raskin)
Jones (Jacobs
(CA))
Kahale (Case)
Kirkpatrick
(Stanton)
Lawson (FL)
(Evans)
Lee (NV) (Clark
(MA))
Lofgren (Jeffries)
Lynch (Trahan)
McEachin
(Wexton)
Meng (Jeffries)
Mfume (Evans)
Moore (WI)
(Beyer)
Napolitano
(Correa)
Nehls (Fallon)
Ocasio-Cortez
(Escobar)
Payne (Pallone)

Perlmutter
(Neguse)
Porter (Wexton)
Rodgers (WA)
(Joyce (PA))
Rush
(Underwood)
Salazar
(Cammack)
Sires (Pallone)
Smucker (Joyce
(PA))
Speier (Scanlon)
Steel (Obernolte)
Stewart
(Crawford)
Suozi (Panetta)
Timmons
(Reschenthaler)
Vela (Correa)
Waltz (Diaz-
Balart)
Wasserman
Schultz (Soto)
Watson Coleman
(Pallone)
Williams (GA)
(Jacobs (CA))
Wilson (FL)
(Hayes)

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 276, nays 149, not voting 6, as follows:

[Roll No. 331]

YEAS—276

Adams
Aguilar
Alfred
Amodei
Schinckel
Axne
Bacon
Balderson
Barragán
Bass
Beatty
Bera
Beyer
Bilirakis
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan
F.
Brown
Brownley
Buchanan
Burgess
Bush
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Curtis
Davids (KS)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael
F.
Escobar
Eshoo
Españal
Evans
Feenstra
Fitzpatrick
Fleischmann
Fletcher
Fortenberry
Foster
Frankel, Lois
Gallego
Garamendi

Garbarino
Garcia (CA)
Garcia (IL)
Garcia (TX)
Gimenez
Golden
Gomez
Gonzales, Tony
Gonzalez (OH)
Gonzalez,
Vicente
Gottheimer
Granger
Green, Al (TX)
Griffith
Grijalva
Harder (CA)
Hayes
Herrera Beutler
Higgins (NY)
Himes
Hinson
Hollingsworth
Horsford
Houlahan
Hoyer
Hudson
Huffman
Jackson Lee
Jacobs (CA)
Jacobs (NY)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Joyce (OH)
Kahale
Kaptur
Katko
Keating
Kelly (IL)
Kelly (PA)
Khanna
Kildee
Kilmer
Kim (CA)
Kim (NJ)
Kind
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luetkemeyer
Luria
Lynd
Lynch
Mace
Malinowski
Malliotakis
Maloney,
Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCaul
McCollum
McEachin
McGovern
McHenry
McNerney
Meeks

Meijer
Meng
Meuser
Mfume
Miller-Meeks
Moolenaar
Moore (UT)
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Obernolte
Ocasio-Cortez
Omar
Owens
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Reed
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Salazar
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Simpson
Sires
Slotkin
Smith (NJ)
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Steel
Stefanik
Stevens
Stewart
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)

Turner
Underwood
Upton
Valadao
Van Drew
Vargas
Veasey
Vela

Velázquez
Wagner
Waltz
Wasserman
Schultz
Waters
Watson Coleman
Welch

NAYS—149

Aderholt
Armstrong
Arrington
Babin
Baird
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bishop (NC)
Boebert
Bost
Brooks
Buck
Bucshon
Budd
Burchett
Calvert
Cammack
Carl
Carter (GA)
Carter (TX)
Cawthorn
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Davidson
DesJarlais
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Ferguson
Fischbach
Fitzgerald
Foxy
Franklin, C.
Scott
Fulcher
Gaetz
Gallagher

Gibbs
Gohmert
Good (VA)
Gooden (TX)
Gosar
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Grothman
Guest
Guthrie
Hagedorn
Harris
Harshbarger
Hartzler
Hern
Herrell
Hice (GA)
Higgins (LA)
Hill
Huizenga
Issa
Jackson
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Keller
Kelly (MS)
Kustoff
LaHood
LaMalfa
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Mann
Massie
Mast
McCarthy
McClain
McClintock
McKinley
Miller (IL)
Miller (WV)

Mooney
Moore (AL)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Nunes
Palazzo
Palmer
Perry
Pfluger
Posey
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Sessions
Smith (MO)
Smith (NE)
Smucker
Spartz
Stauber
Steil
Steube
Taylor
Tennet
Thompson (PA)
Tiffany
Timmons
Van Dyne
Walberg
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wittman
Womack
Zeldin

NOT VOTING—6

Allen
Brady

Bustos
Lamborn
Pence
Sherrill

□ 1134

Mr. MURPHY of North Carolina changed his vote from “yea” to “nay.”

Mr. FEENSTRA changed his vote from “no” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ALLEN. Madam Speaker, I was attending to an urgent matter in my district. Had I been present, I would have voted “yea” on rollcall No. 330 and “nay” on rollcall No. 331.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Adams (Brown)
Bowman
(Khanna)
Castro (TX)
(Escobar)
Cawthorn
(McHenry)
Cicilline
(Pingree)
Cooper (Clark
(MA))

Cuellar (Costa)
DeFazio (Brown)
DesJarlais
(Fleischmann)
Doyle, Michael
F. (Cartwright)
Frankel, Lois
(Clark (MA))
Fulcher (Johnson
(OH))

Garamendi
(Sherman)
Garbarino
(Jacobs (NY))
Garcia (TX)
(Escobar)
Gonzalez (OH)
(Herrera
Beutler)
Harshbarger
(Kustoff)

Hartzler (Bucshon)	Moore (WI) (Beyer)	Stewart (Crawford)
Hice (GA)	Napolitano (Correa)	Suoizzi (Panetta)
Huffman (Greene (GA))	Nehls (Fallon)	Timmons (Reschenthaler)
(Stanton)	Ocasio-Cortez (Escobar)	Vela (Correa)
Jayapal (Raskin)	Payne (Pallone)	Velázquez (Jeffries)
Jones (Jacobs (CA))	Perlmutter	Waltz (Diaz- Balart)
Kahele (Case)	Porter (Wexton)	Wasserman
Kirkpatrick (Stanton)	Rodgers (WA)	Schultz (Soto)
Lawson (FL)	(Joyce (PA))	Watson Coleman (Pallone)
(Evans)	Rush (Underwood)	Williams (GA)
Lee (NV) (Clark (MA))	Salazar (Neguse)	(Jacobs (CA))
Lofgren (Jeffries)	(Cammack)	Wilson (FL)
Lynch (Trahan)	Sires (Pallone)	(Hayes)
McEachin (Wexton)	Smucker (Joyce (PA))	
Meng (Jeffries)	Speier (Scanlon)	
Mfume (Evans)	Steel (Obernolte)	

LEGISLATIVE PROGRAM

(Mr. SCALISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCALISE. Madam Speaker, I rise for the purpose of inquiring of the majority leader the schedule for next week.

Madam Speaker, I yield to the gentleman from Maryland (Mr. HOYER), my friend, the majority leader.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding.

On Monday, the House will meet at 12 p.m. for morning hour and 2 p.m. for legislative business with votes postponed, as usual, until 6:30 p.m.

On Tuesday, the House will meet at 10 a.m. for morning hour and 12 p.m. for legislative business.

And on Wednesday, the House will meet at 12 p.m. for legislative business.

On Thursday, the House will meet at 9 a.m. for legislative business.

Madam Speaker, the House will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business today.

With the short-term extension of the Surface Transportation Program through October 31, the House will aim to consider the bipartisan Infrastructure Investment and Jobs Act and the Build Back Better Act this work period.

In addition, the House will consider H.R. 2119, the Family Violence Prevention and Services Improvement Act of 2021, sponsored by LUCY MCBATH of Georgia. That bill modifies and expands and reauthorizes, through fiscal year 2026, the Family Violence Prevention and Services Program, which funds emergency shelters and supports related assistance for victims of domestic violence.

Madam Speaker, if time allows, the House may also consider H.R. 3992, the Protecting Older Jobs Applicants Act, which allows applicants to bring disparate impact claims under the Age Discrimination in Employment Act of 1967 when they experience discrimination while seeking a job.

Lastly, additional legislative items may be possible when and if they are ready.

Mr. SCALISE. Madam Speaker, I thank the gentleman. As we go through the bills that may come up next week—of course, we just finished a week bringing some bills to the floor, but as we look around the country, clearly the main concern we are hearing from families are all of the various crises that are facing American families.

You have an inflation crises with goods of all kinds costing dramatically more when people go to buy things at the grocery store. If they try to get a new appliance, they are waiting longer, they are paying more money.

You think about the energy crisis with families paying 50 percent more for gasoline, in some cases, with dramatic increases at the pump and the pain that it causes, especially lower income families.

The border crisis, where every day we see stories of thousands of people coming across our border illegally. The Attorney General was before the Committee on the Judiciary and he couldn't even give a number of how many people have illegally crossed or plan to address it.

The supply chain crisis that we see getting worse and worse with ships backed up, maybe almost all the way to China, because that crisis is not being addressed.

So when you think about all these crises that families are angry about—it is hurting hardworking families, it is costing them, it is taking money out of their paychecks—there has not been a single bill brought to this floor last week. It doesn't sound like any is being brought to the floor next week to address any of those crises.

I would ask the gentleman, would he be open to bringing actual legislation to the floor to address the various, serious crises that families are facing today?

Madam Speaker, I yield to the gentleman from Maryland.

Mr. HOYER. Madam Speaker, I thank the gentleman for his comments and question.

Let me say that I mentioned two bills that will have a very, very substantial impact on the welfare of Americans, of their families, of their health, and yes, even of their environmental security in the Build Back Better plan and the BIP plan, which is a bipartisan bill on the Senate side.

I hope to bring both of those bills to the floor next week, if they are ready. Unfortunately, we don't have help from your side on either of those bills so it is more difficult to get unanimity on our side of the aisle.

Madam Speaker, I will tell my friend, all those problems that you mentioned, would be extraordinarily worse if we hadn't passed the American Rescue Plan in March of this year, which helped families extraordinarily and generously to stay above water. Not a single person on your side of the aisle voted for those.

So when the gentleman asked me, are we going to bring legislation to the

floor, we brought it to the floor. You all opposed it, however—unfortunately—that helped families, helped childcare, helped healthcare, helped health workers, helped States all to meet the pandemic that this administration inherited.

The pandemic was not the previous administration's fault, obviously, but the failure to deal with it effectively was their fault.

So I tell the gentleman that 5 million jobs have been created since this administration took office. Some people lamented the 233,000 jobs last month, how awful that was.

In the best year that Donald Trump had, that was his average production of jobs—in the best year he had, which was from January 2018 to January 2019.

So I will tell my friend, we hope to be able to bring these bills to the floor. We think they will have a very substantial, positive impact. We inherited, of course, because of the pandemic—again, not the fault of any—well, we don't know whether it was the fault of somebody purposely, but in any event, for whatever reasons, extraordinary amounts of people were laid off around the world.

□ 1145

Then, because of the American Rescue Plan, we finally gave some people the resources that they could buy things that they had needed and wanted for them and their families, and now we have a supply shortage.

The President acted through executive order, as the gentleman knows, to make sure that we had a 24/7 operation at the ports off Long Beach, off other ports in our country, to try to make sure that we, A, got goods on those ships that you say are to China—I don't know whether they are to China, but there are a lot of them; you are absolutely right on that—to get them offloaded, to get them on trucks, and to get them to where they could be distributed and available for businesses.

Then, of course, we have a substantial shortage of chips, which the gentleman knows, which was caused by a lockdown for major producers—Singapore being one—of chips.

So, we are dealing with that. The executive is dealing with that as well.

I very much hope the gentleman will help us get that legislation passed, which will make a major difference. Who says? Fourteen or 17 laureates who wrote to the White House and said if these bills passed, it is not only going to help jobs, it is not only going to help climate, it is not only going to help health, but it is also going to help bring down inflation, which is a problem.

Why do we have inflation? Because we have too many dollars chasing too few goods, so prices go up. That is true of employment as well, which probably is good news in terms of salaries going up for people around the country.

I tell my friend that we do have some very substantial, important legislation